

001

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

FORM 3

AMENDED REPORT ☐  
(highlight changes)

APPLICATION FOR PERMIT TO DRILL				5. MINERAL LEASE NO: USA UTU-77326	6. SURFACE: FOREST <i>81m</i>								
1A. TYPE OF WORK: DRILL <input checked="" type="checkbox"/> REENTER <input type="checkbox"/> DEEPEN <input type="checkbox"/>				7. IF INDIAN, ALLOTTEE OR TRIBE NAME:									
B. TYPE OF WELL: OIL <input checked="" type="checkbox"/> GAS <input type="checkbox"/> OTHER _____ SINGLE ZONE <input checked="" type="checkbox"/> MULTIPLE ZONE <input type="checkbox"/>				8. UNIT or CA AGREEMENT NAME:									
2. NAME OF OPERATOR: BERRY PETROLEUM COMPANY				9. WELL NAME and NUMBER: FEDERAL 10-3-65									
3. ADDRESS OF OPERATOR: RT. 3 BOX 3020 CITY ROOSEVELT STATE UTAH ZIP 84066				PHONE NUMBER: (435)722-1325 <i>Under contract</i>									
4. LOCATION OF WELL (FOOTAGES)  AT SURFACE: 2053' FSL, 2076' FEL <i>4426284Y 39.98722</i> <i>548564X 110.43111</i> 39.987222 LAT 110.431111 LONG  AT PROPOSED PRODUCING ZONE: SAME AS ABOVE				10. FIELD AND POOL, OR WILDCAT: BRUNDAGE CANYON  11. QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: (NW/SE) SEC. 3, T.6S., R.5W. U.S.B. & M.									
14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE: 28.4 MILES FROM MYTON, UTAH				12. COUNTY: DUCHESNE									
				13. STATE: UTAH									
15. DISTANCE TO NEAREST PROPERTY OR LEASE LINE (FEET) 2053'		16. NUMBER OF ACRES IN LEASE: 1922.88		17. NUMBER OF ACRES ASSIGNED TO THIS WELL: 40									
18. DISTANCE TO NEAREST WELL (DRILLING, COMPLETED, OR APPLIED FOR) ON THIS LEASE (FEET) N/A		19. PROPOSED DEPTH: 5210'		20. BOND DESCRIPTION: RLB0005651									
21. ELEVATIONS (SHOW WHETHER DF, RT, GR, ETC.): 6874' GR		22. APPROXIMATE DATE WORK WILL START: REFER TO BPC SOP PLAN		23. ESTIMATED DURATION: REFER TO BPC SOP PLAN									
24. PROPOSED CASING AND CEMENTING PROGRAM													
<table border="1"> <thead> <tr> <th>SIZE OF HOLE</th> <th>CASING SIZE, GRADE, AND WEIGHT PER FOOT</th> <th>SETTING DEPTH</th> <th>CEMENT TYPE, QUANTITY, YIELD, AND SLURRY WEIGHT</th> </tr> </thead> <tbody> <tr> <td colspan="4">REFER TO BERRY PETROLEUM COMPANY'S FEDERAL LANDS SOP DRILLING PROGRAM/CASING DESIGN</td> </tr> </tbody> </table>						SIZE OF HOLE	CASING SIZE, GRADE, AND WEIGHT PER FOOT	SETTING DEPTH	CEMENT TYPE, QUANTITY, YIELD, AND SLURRY WEIGHT	REFER TO BERRY PETROLEUM COMPANY'S FEDERAL LANDS SOP DRILLING PROGRAM/CASING DESIGN			
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REFER TO BERRY PETROLEUM COMPANY'S FEDERAL LANDS SOP DRILLING PROGRAM/CASING DESIGN													

OPERATOR REQUESTS PERMISSION TO DRILL THE SUBJECT WELL. PLEASE SEE THE ATTACHED CONDITIONS FOR APPROVAL.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE CONTACT:

EDDY COURTRIGHT

1614 SOUTH 2000 WEST

OFFICE: (435)722-1325

CELLULAR: (435)823-1862

RT. 3 BOX 3020

ROOSEVELT, UTAH 84066

RECEIVED

25. ATTACHMENTS *MAR 22 2004*

VERIFY THE FOLLOWING ARE ATTACHED IN ACCORDANCE WITH THE UTAH OIL AND GAS CONSERVATION GENERAL RULES:

- ☒ WELL PLAT OR MAP PREPARED BY LICENSED SURVEYOR OR ENGINEER  
☒ EVIDENCE OF DIVISION OF WATER RIGHTS APPROVAL FOR USE OF WATER

- ☒ COMPLETE DRILLING PLAN (BPC SOP ON FILE WITH STATE)  
☐ FORM 5, IF OPERATOR IS PERSON OR COMPANY OTHER THAN THE LEASE OWNER

NAME (PLEASE PRINT) *DEBBIE L. WISENER*

TITLE *PRODUCTION & REGULATORY TECHNICIAN*

SIGNATURE *[Signature]*

DATE

03/08/04

(This space for State use only)

API NUMBER ASSIGNED: *43-013-32559*

APPROVAL:

(11/2001)

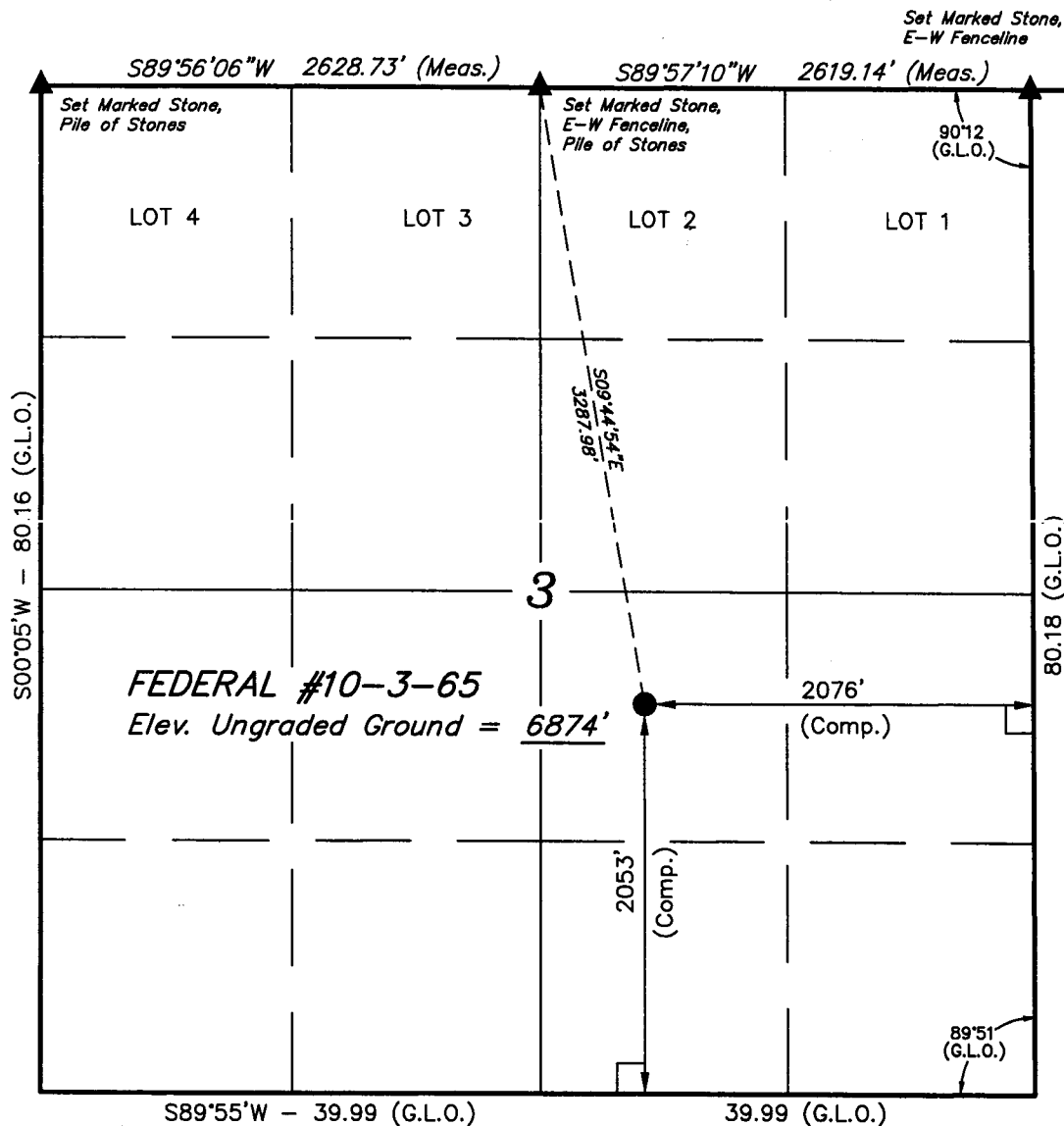
(See Instructions on Reverse Side)

Approved by the  
Utah Division of  
Oil, Gas and Mining  
Date: *03/03/04*  
By: *[Signature]*

T6S, R5W, U.S.B.&M.

BERRY PETROLEUM COMPANY  
E ORATION

Well location, FEDERAL #10-3-65, located as shown in the NW 1/4 SE 1/4 of Section 3, T6S, R5W, U.S.B.&M. Duchesne County, Utah.



**LEGEND:**

- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

**BASIS OF BEARINGS**

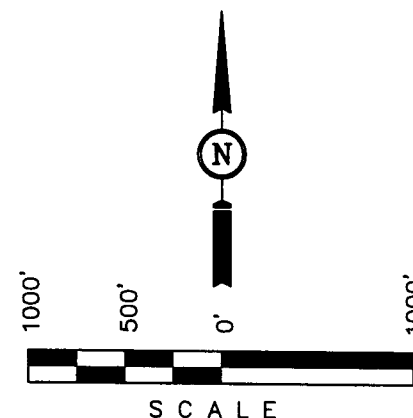
BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

LATITUDE = 39°59'14" (39.987222)

LONGITUDE = 110°25'52" (110.431111)

**BASIS OF ELEVATION**

SPOT ELEVATION AT THE SOUTHEAST CORNER OF SECTION 18, T5S, R4W, U.S.B.&M. TAKEN FROM THE DUCHESNE SE, QUADRANGLE, UTAH, DUCHESNE COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED AS BEING 6559 FEET.



**CERTIFICATE**

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR  
REGISTRATION NO. 111319  
STATE OF UTAH

**UNTAH ENGINEERING & LAND SURVEYING**  
85 SOUTH 200 EAST - VERNAL, UTAH 84078  
(435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 05-10-01	DATE DRAWN: 06-03-01
PARTY D.K. R.W. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER COOL	FILE BARNETT RESOURCES CORP.	

SELF-CERTIFICATION STATEMENT

The following self-certification statement is provided per federal requirements dated June 15, 1988.

Please be advised that Berry Petroleum Company is considered to be the operator of the following well.

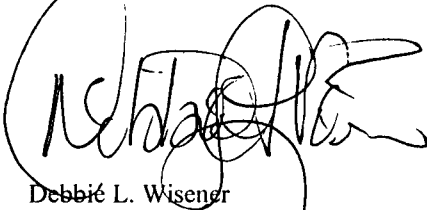
Federal 10-3-65

NW 1/4, SE 1/4, 2053' FSL, 2076' FEL, Section 3, T. 6 S., R. 5 W., U.S.B.&M.

Lease USA UTU-77326

Duchesne, County, Utah

Berry Petroleum Company is responsible under the terms of the lease for the operations conducted upon the lease lands.

A handwritten signature in black ink, appearing to read "Debbie L. Wisener", is written over a circular stamp or seal.

Debbie L. Wisener

Production & Regulatory Technician

Berry Petroleum Company

1614 South 2000 West

Route 3, Box 3020

Roosevelt, Utah 84066

435-722-1325

BEERY PETROLEUM COMPANY

Federal 10-3-65

Surface location NW 1/4 SE 1/4 2053' FSL 2076' FEL, Section 3, T. 6 S., R. 5 W., U.S.B.&M.  
Duchesne County, Utah

ONSHORE ORDER NO. 1

DRILLING PROGRAM

**1,2 Estimated Tops of Geological Markers and Formations Expected to Contain Water, Oil and Gas and Other Minerals**

<u>Formation</u>	<u>Depth</u>
Uinta	surface
Green River	588'
Mahogany	1798'
TGR3 Marker	2797'
*Douglas Creek	3552'
*Castle Peak	4443'
Uteland Butte Ls.	4863'
Wasatch	5105'
TD	5210'

\*PROSPECTIVE PAY

**3 Pressure Control Equipment**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**4 Proposed Casing and Cementing Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**5 Drilling Fluids Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**6 Evaluation Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**7 Abnormal Conditions**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**8 Anticipated Starting Dates and Notification of Operations**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

**9 Other information**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE DRILLING PROGRAM ON FEDERAL LANDS (SOP VERSION: AUGUST 28,  
2003).

BERRY PETROLEUM COMPANY  
Federal 10-3-65  
Surface location NW 1/4 SE 1/4 2053' FSL 2076' FEL, Section 3, T. 6 S., R. 5 W., U.S.B.&M.  
Duchesne County, Utah

ONSHORE ORDER NO. 1

MULTI POINT SURFACE USE & OPERATIONS PLAN

**1 Existing Roads**

To reach the Berry Petroleum Company, Federal 10-3-65 location, in Section 3-T6S-R5W:

Start in Myton, Utah. Proceed west on US Highway 40, 8.8 miles to the Antelope Creek/Sowers Canyon Road at the Bridgeland turnoff. Turn south and proceed southwest 19.8 miles to the Wire Fence Canyon Road. Turn south and proceed 1.5 miles to the Federal 10-3-65 location.

The existing oilfield service road may need some surface material to prevent or repair holes in the road due to heavy truck traffic during the drilling and completion operation. If repairs are made the operator will secure material from private sources.

Please see the attached map for additional details.

**2 Planned Access Road**

See Topographic Map "B" for the location of the proposed access road.

On National Forest Service (NFS) lands, access roads will be constructed according to the specifications contained in the Code of Federal Regulations, including Title 36, Chapter II.

Surface disturbance and vehicular traffic will be limited to the approved location and approved access route. Any additional area needed will be approved in advance.

Access roads and surface disturbing activities will conform to standards outlined in the BLM and Forest Service publication, Surface Operating Standards for Oil and Gas Exploration and Development, Third Edition, 1989.

New access roads will be crowned (2 to 3%), ditched, and constructed with a running surface of 18 feet and a maximum disturbed width of 32 feet. Graveling or capping the roadbed will be performed as necessary to provide a well constructed, safe road. Prior to construction or upgrading, the proposed road shall be cleared of any snow and shall be allowed to dry completely.

The disturbed width needed may be wider than 32 feet to accommodate larger equipment where deep cuts are required for road construction; intersections or sharp curves occur; or, as proposed by the operator. Approval will be required from the Forest Supervisor, Vernal, Utah (FS).

Berry Petroleum Company  
Multi Point Surface Use & Operations Plan

Appropriate water control structures will be installed to control erosion.

Unless otherwise specified, the following specifications will apply:

The maximum grade will be less than 10%.

There will be no turnouts.

There will be no major cuts and fills, culverts, or bridges. If it becomes necessary to install a culvert at some time after approval of the APD, the operator will request approval from the FS.

The access road will be centerline flagged during time of staking.

There will be no gates, cattle guards, fence cuts, or modifications to existing facilities without prior consent by the FS.

Surfacing material may be necessary, depending upon weather conditions.

The road surface and shoulders will be kept in a safe and usable condition and will be maintained in accordance with the original construction standards. All drainage ditches and culverts will be kept clear and free flowing and will be maintained according to the original construction standards. The access road ROW will be kept free of trash during operations. All traffic will be confined to the approved running surface. Road drainage crossings shall be of the typical dry creek drainage crossing type. Crossings shall be designed so they will not cause siltation or accumulation of debris in the drainage crossing, nor shall the drainages be blocked by the roadbed. Erosion of drainage ditches by runoff water shall be prevented by diverting water off at frequent intervals by means of cutouts. Should mud holes develop, the holes shall be filled in and detours around the holes avoided. When snow is removed from the road during the winter months, the snow should be pushed outside the borrow ditches, and the turnouts kept clear so that snowmelt will be channeled away from the road.

**3 Location of Existing Wells**

See Topographic Map "C" for the location of existing wells within a 1 mile radius.

**4 Location of Tank Batteries, Production Facilities and Production Gathering and Service Lines**

The following guidelines will apply if the well is productive:

All permanent (on site for six months or longer) structures constructed or installed will be painted a flat, non-reflective, earth tone color to match one of the standard environmental colors, as determined by the five state Rocky Mountain Inter-Agency Committee. All facilities will be painted within six months of installation. Facilities required to comply with the Occupational Safety and Health Act (OSHA) will be excluded. The required paint color is desert brown (10YR 6/4) unless otherwise designated by the Authorized Officer.

A containment dike will be constructed completely around those production facilities which contain fluids (i.e., production tanks, produced water tanks). This dike will be constructed of compacted subsoil, be impervious, hold 100% of the capacity of the largest tank, and be independent of the back cut. Additional capacity, if such is needed due to environmental concerns, will be addressed on a as needed basis. The use of topsoil for the construction of dikes will not be allowed. If a Spill Prevention, Control, and Countermeasure (SPCC) Plan is required by the Environmental Protection Agency, the containment dike may be expanded with the BLM/VFO Authorized Officer's approval to meet SPCC requirements.

A description of the proposed pipeline and a map illustrating the proposed route is submitted with this APD.

All site security guidelines identified in Federal regulation 43 CFR 3126.7, will be adhered to. All off-lease storage, off-lease measurement, or commingling on-lease or off-lease production will have prior written approval from the BLM/VFO Authorized Officer.

Gas meter runs will be located approximately 100 feet from the wellhead. The gas line will be buried, or anchored down from the wellhead to the meter. Meter runs will be housed and/or fenced.

#### **5 Location and Type of Water Supply**

Water for the drilling and completion will be pumped or trucked from the Berry source wells located in Sec. 23, T5S, R5W or Sec. 24, T5S, R5W, permit # 43-11041, or from East Duchesne Water, Arcadia Feedlot, Sec. 28, T3S, R3W or from Petroglyph Operating Company 08-04 Waterplant, Sec. 8, T5S, R3W or from Kenneth V. & Barbara U. Richens source well located in Sec. 34, T3S, R2W, permit # 43-1723 or Leo Foy source well located in Sec. 34, T5S, R5W, permit # 43-11324. A water use agreement is also in place with the Ute Tribe.

#### **6 Source of Construction Materials**

All construction materials for this location site and access road shall be borrow material accumulated during construction of the location site and access road.

Additional gravel or pit lining material will be obtained from a private source.

The use of materials under BLM jurisdiction will conform to 43 CFR 3610.2-3.



## **7 Methods of Handling Waste Materials**

Drill cuttings will be contained and buried in the reserve pit.

Drilling fluids, including salts and chemicals, will be contained in the reserve pit. Upon termination of drilling and completion operations, the liquid contents of the reserve pit will be used at the next drill site or will be removed and disposed of at an approved waste disposal facility within 180 days after drilling is terminated. Immediately upon well completion, any hydrocarbons in the pit shall be removed in accordance with 43 CFR 3162.7-1.

Unless specified in the site specific APD, the reserve pit will be constructed on the location and will not be located within natural drainages, where a flood hazard exists or surface runoff will destroy or damage the pit walls. The reserve pit will be constructed so that it will not leak, break, or allow discharge of liquids.

If it is determined at the onsite that a pit liner is necessary, the reserve pit will be lined with a synthetic reinforced liner a minimum of 12 millimeters thick, with sufficient bedding used to cover any rocks. The liner will overlap the pit walls and be covered with dirt and/or rocks to hold it in place. Trash or scrap that could puncture the liner will not be disposed of in the pit.

Reserve pit leaks are considered an unacceptable and undesirable event and will be orally reported to the Authorized Officer.

After first production, produced wastewater will be confined to the approved pit or storage tank for a period not to exceed 90 days. During the 90-day period, in accordance with Onshore Order No. 7, an application for approval of a permanent disposal method and location will be submitted for the Authorized Officer's approval.

All production fluids will be disposed of at approved disposal sites. Produced water, oil, and other byproducts will not be applied to roads or well pads for control of dust or weeds. The indiscriminate dumping of produced fluids on roads, well sites, or other areas will not be allowed.

Any spills of oil, gas, salt water, or other noxious fluids will be immediately cleaned up and removed to an approved disposal site.

A chemical portable toilet will be furnished with the drilling rig.

Garbage, trash, and other waste materials will be collected in a portable, self-contained, fully enclosed trash cage during operations. Trash will not be burned on location.

All debris and other waste materials not contained in the trash cage will be cleaned up and removed from the location immediately after removal of the drilling rig.

Any open pits will be fenced during the operations. The fencing will be maintained until such time as the pits are backfilled.

No chemicals subject to reporting under SARA Title III (hazardous materials) in an amount equal to or greater than 10,000 pounds will be used, produced, stored, transported, or disposed of annually in association with the drilling, testing, or completing of wells. Furthermore, extremely hazardous substances, as defined in 40 CFR 355, in threshold planning quantities, will not be used, produced, stored, transported, or disposed of in association with the drilling, testing, or completing of wells within these areas.

## **8 Ancillary Facilities**

There are no ancillary facilities planned for at this time and none are foreseen in the future.

## **9 Wellsite Layout**

The attached Location Layout diagram describes drill pad cross-sections, cuts and fills, and locations of the mud tanks, reserve pit, pipe racks, trailer parking, spoil dirt stockpile(s) and surface material stockpile(s)

The diagram will describe rig orientation, parking areas, and access roads as well as the location of the following:

The reserve pit.

The stockpiled topsoil, which shall not be used for facility berms. All brush removed from the well pad during construction will be stockpiled with the topsoil.

The flare pit, which will be located downwind from the prevailing wind direction.

The access road.

All pits will be fenced according to the following minimum standards:

39-inch net wire shall be used with at least one strand of wire on top of the net wire. Barbed wire is not necessary if pipe or some type of reinforcement rod is attached to the top of the entire fence.

The net wire shall be no more than two inches above the ground. The barbed wire shall be three inches over the net wire. Total height of the fence shall be at least 42 inches.

Corner posts shall be cemented and/or braced in such a manner as to keep the fence tight at all times.

Standard steel, wood, or pipe posts shall be used between the corner braces. Distance between any two posts shall be no greater than 16 feet.

All wire shall be stretched using a stretching device before it is attached to the corner posts.

The reserve pit fencing will be on two sides during drilling operations and on the third and fourth sides when the rig moves off location. Pits will be fenced and maintained until cleanup.

## **10 Plans for Restoration of the Surface**

The dirt contractor will be provided with approved copies of the Surface Use Plan and these Standard Operating Procedures prior to construction activities.

Immediately upon well completion, the location and surrounding area will be cleared of all unused tubing, materials, trash, and debris not required for production.

On lands administered by the BLM, abandoned well sites, roads, and other disturbed areas will be restored as near as practical to their original condition. Where applicable, these conditions may include the re-establishment of irrigation systems, the re-establishment of appropriate soil conditions, and the re-establishment of vegetation as specified.

All disturbed areas will be re-contoured to the approximate natural contours.

Any drainage rerouted during the construction activities shall be restored to its original line of flow or as near as possible.

Prior to backfilling the reserve pit, the fence surrounding the reserve pit will be removed. The pit liner will be cut off at the water or mud line and disposed of at an approved landfill site. The liner will also be torn and perforated after the pit dries and prior to backfilling the reserve pit.

Before any dirt work associated with reserve pit restoration takes place, the reserve pit shall be as dry as possible. All debris in it will be removed. Other waste and spoil materials will be disposed of immediately upon completion of operations. The reserve pit will be reclaimed within 180 days from the date of well completion, weather permitting. Once reclamation activities have begun, the activities will be completed within 30 days.

After the reserve pit has been reclaimed, no depressions in the soil covering the reserve pit will be allowed. The object is to keep seasonal rainfall and runoff from seeping into the soil used to cover the reserve pit. Diversion ditches and water bars will be used to divert runoff as needed.

Prior to the construction of the location, the top 12 inches of soil material will be stripped and stockpiled. Placement of the topsoil will be noted on the location plat attached to the site specific APD. Topsoil shall be stockpiled separately from subsoil materials. Topsoil salvaged from the reserve pit shall be stockpiled separately near the reserve pit. When all drilling and completion activities have been completed, the unused portion of the location (area outside the deadmen) will be re-contoured and topsoil spread over the area.

Topsoil to be stored for more than one year:

Shall be windrowed, where possible, to a depth of three (3) to four (4) feet at a specified location near the margin of the site.

Shall be broadcast seeded with the prescribed seed mixture immediately after windrowing. The Authorized Officer of the appropriate surface management agency shall be contacted for the required seed mixture. Seed will be drilled on the contour to an appropriate depth.

The stockpile then "walked" with a dozer to cover the seed.

Mulching may be one method considered to enhance the re-establishment of desired native plant communities. If straw or hay mulch is used, the straw and hay must be certified to be weed-free and the documentation submitted prior to usage.

When restoration activities have been completed, the location site and new access road cuts and shoulders shall be reseeded. Prior to reseeding, all disturbed areas, including the old access road will be scarified and left with a rough surface.

The Authorized Officer or the appropriate surface management agency shall be contacted for the required seed mixture. Seed will be drilled on the contour to an appropriate depth.

If broadcast seeded, the amount of seed mixture per acre will be doubled, and a harrow or some other implement will be dragged over the seeded area to assure coverage of the seeds.

For BLM administered surface, at final abandonment, all casing shall be cut off at the base of the cellar or 3 feet below final restored ground level, whichever is deeper, and cap the casing with a metal plate a minimum of 0.25 inches thick. The cap will be welded in place and the well location and identity will be permanently inscribed on the cap. The cap also will be constructed with a weep hole.

**11 Surface Ownership**

United States Forest Service

**12 Other information**

All lease and/or unit operations will be conducted in such a manner that full compliance is made with all applicable laws, regulations, Onshore Oil and Gas Orders, the approved Plan of Operations, and any applicable Notice to Lessees. The operator is fully responsible for the actions of his subcontractors. A copy of these conditions will be furnished to the field representative to ensure compliance.

The operator will control noxious weeds along access road use authorizations, pipeline route authorizations, well sites or other applicable facilities. A list of noxious weeds may be obtained from the BLM or the appropriate County Extension Office. On NFS administered land, it is required that a Pesticide Use Proposal be submitted and approved prior to the application of herbicides or other pesticides or possibly hazardous chemicals.

Drilling rigs and/or equipment used during drilling operations on this location will not be stacked or stored on NFS administered lands after the conclusion of drilling operations or at any other time without authorization by the FS. If authorization is obtained, such storage is only a temporary measure.

Travel is restricted only to approved travel routes.

Unless previously conducted, a class III archaeological survey will be conducted on all Federal and/or Tribal lands. All personnel will refrain from collecting artifacts and from disturbing any significant cultural resources in the area. The operator is responsible for informing all persons in the area who are associated with this project that they may be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. All vehicular traffic, personnel movement, construction, and restoration activities shall be confined to the areas examined, as referenced in the archaeological report, and to the existing roadways and/or evaluated access routes. If historic or archaeological materials are uncovered during construction, the Operator is to immediately stop work that might further disturb such materials and contact the Authorized Officer.

Within five working days, the Authorized Officer will inform the operator as to:

Whether the materials appear eligible for the National Historic Register of Historic Places;

The mitigation measures the operator will likely have to undertake before the site can be used (assuming in-situ preservation is not necessary); and,

The time frame for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that the mitigation measures are appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer and/or the surface owner will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise the operator will be responsible for mitigation costs. The Authorized Officer and/or the surface owner will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that required mitigation has been completed, the Operator will then be allowed to resume construction.

On surface administered by the NFS, all surface use will be conducted in accordance with the STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM UNDER JURISDICTION OF THE DEPARTMENT OF AGRICULTURE, including:

If the surface is owned by another entity (FEE OWNER) and the mineral rights are owned by the BLM, a right-of-way will be obtained from the other entity.

Operator's employees, including subcontractors, will not gather firewood along roads constructed by the operator.

All roads constructed by the operator will have appropriate signs. Signs will be neat and of sound construction. The sign will state: (a) that the land is located within the Ashley National Forest boundary (b) the name of the Operator, (c) that firearms are prohibited, (d) only authorized personnel are permitted.

All well site locations will have appropriate signs indicating the name of the operator, the lease serial number, the well name and number, the survey description of the well (either footages or the quarter/quarter section; the section, township, and range).

**13 Lessees or Operator's Representative and Certification**

**A) Representative**

NAME: Debbie L. Wisener

ADDRESS: Berry Petroleum Company  
1614 South 2000 West  
Route 3, Box 3020  
Roosevelt, Utah 84066

PHONE: 435-722-1325

All lease and/or unit operations will be conducted in such a manner that full compliance is made with all applicable laws, regulations and onshore oil and gas orders. The operator is fully responsible for the actions of its subcontractors. A copy of these conditions will be furnished to the field representative to ensure compliance.

The drilling permit will be valid for a period of one year from the date of approval. After permit termination, a new application will be filed for approval for any future operations.

**B) Certification:**

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge and belief, true and correct; and that the work associated with the operations proposed herein will be performed by Berry Petroleum Company and its contractors and subcontractors in conformity with this plan and the terms and conditions under which it is approved. This statement is subject to the provisions of 18 U.S.C. 1001 for the filing of a false statement.

DATE

March 8, 2007

Debbie L. Wisener  
Production & Regulatory Technician  
Berry Petroleum Company


February 20, 2004

To Whom It May Concern:

Please be advised that the undersigned, Leo B. Foy, Jack H. Foy and Enid S. Foy, as owners of the surface estate of the NE1/4SE1/4 and SW1/4SE1/4 of Section 33, Township 5 South, Range 5 West, USM, Duchesne County, Utah, and the SW1/4NW1/4 and E1/2SW1/4 of Section 34, Township 5 South, Range 5 West, USM, Duchesne County, Utah, hereby waives the requirement to have archeological surveys conducted on the access roads to be constructed across the aforesaid described lands.

  
\_\_\_\_\_  
Leo B. Foy

  
\_\_\_\_\_  
John H. Foy

  
\_\_\_\_\_  
Enid S. Foy



# SURFACE DAMAGE AND RIGHT-OF-WAY SETTLEMENT AGREEMENT

## KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, Leo B. Foy, a married man dealing in his sole and separate property, 163 West 100 North, Duchesne, UT 84121, John H. Foy, a married man dealing in his sole and separate property, PO Box 144, Duchesne, UT 84121 and Enid S. Foy, a widow, 856 So. Mill Road, Heber City, UT 84032 (hereinafter referred to as GRANTOR, whether one or more), are the owners of the surface of the following described property located in Duchesne County, Utah, to-wit:

**TOWNSHIP 5 SOUTH, RANGE 5 WEST, USB&M**  
Section 33: NE1/4SE1/4, SW1/4SE1/4  
Section 34: SW1/4NW1/4, E1/2SW1/4  
See Exhibits "A" and "B" Attached

E 367932 B M303 P 759  
USB&M-MAR-2004 10:51am  
Feet: 23.00 Check  
CAROLYNE B MADSEN, Recorder  
Filed By CRY  
For BERRY PETROLEUM COMPANY  
DUCHEсне COUNTY CORPORATION

and Berry Petroleum Company whose address is 5201 Truxton Avenue, Suite 300, Bakersfield, CA, 93309, (hereinafter referred to as GRANTEE), owns leases covering oil, gas and mineral rights in, under and upon said property; and

WHEREAS, Grantee desire to build access roads and a pipeline or pipelines and appurtenances thereto on a portion of said property.

NOW THEREFORE, for and in consideration of the sum of ten dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, sell and convey unto Grantee, its successors and assigns, the easement and right to us that portion of the herein above described property as may be necessary to construct, entrench, maintain, operate, replace, remove, protect, or abandon a pipeline or pipelines for water or gas with appurtenances thereto, including, but not limited to, valves, metering equipment, and cathodic equipment; to construct, maintain, relocate, or abandon roads (said pipelines, appurtenances, valves, metering equipment, cathodic equipment, and road being sometimes collectively called the "facilities") over, under and through the hereinafter described land as described in the attached Exhibits "A" and "B".

Grantor acknowledges the receipt and sufficiency of the above described consideration as payment for all damages to Grantor's trees, timber, growing crops, and other vegetation being cultivated on said land by the undersigned or their respective lessees, tenants or assigns caused by the construction, maintenance, protection, repair, placement or removal of the facilities as described in the attached exhibits and agrees that the payment and acceptance of the consideration set forth above is in full and complete payment, settlement, compromise and satisfaction of any and all of the above-mentioned losses, liabilities, claims, damages, demands and causes of action for any and all injuries and damage to the surface of the land hereinbelow described and to any appurtenances or improvements thereon, and for any and all claims including but not limited to loss of potential rental income, damages to and/or loss of livestock and wildlife, arising directly or indirectly in connection with the operations thereon by Grantee, its employees, agents, contractors, or subcontractors in connection with the above-mentioned operations of Grantee.

Grantee shall have the free right of ingress and egress to, over, upon, through and across said right-of-way and easement for any and all purposes that may be necessary or incidental to the maintenance of the right-of-way and easement, with the right to use existing roads which enter Grantor's property for the purpose of constructing, inspecting, repairing and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline or pipelines with either like or different size pipe. During temporary periods, Grantee may use such portions of the property along and adjacent to said right-of-way as may be necessary in connection with construction, maintenance, repair, removal or replacement of the facilities and if such use cause any damages to Grantor's lands outside of the above described right-of-way, Grantee shall pay Grantor for such damages.

Grantor reserves the right to the use and enjoyment of said property except for the purposes herein granted, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights hereunder or disturb its facilities. No road, reservoir, excavation, obstruction or structure shall be constructed, created or maintained on, over, along or within the lands covered by this right-of-way without Grantee's prior written consent.

If Grantee desires to remove any trees adjacent to said right-of-way at a later date which may be hazardous to the maintenance and use of the facilities on the right-of-way, Grantee shall first obtain approval from Grantor in writing, Grantor's approval not to be unreasonably withheld, and after receipt of such approval, may proceed to cut and remove such trees subject to payment of additional timber damages, if any are determined.

The undersigned Grantor hereby covenants and warrants that he is the surface owner of the above-described land, and has the right to enter into this Agreement.

**FOR THE SAME CONSIDERATION RECITED ABOVE,** Grantor and Grantee do hereby release, discharge and acquit the other from any and all liability, and shall indemnify the other against any and all claims and demands for damages, attorneys fees, injury or loss, existing now or done hereafter, to the surface of said lands or to any third parties arising out of or being the result of their or, their agents, contractors, licensees, permittees, successors and assigns own activities on or use of the subject property. However, such parties' potential liability under this paragraph to the other shall be limited to the acts and/or omission of it, or its predecessors, agents, contractors, licensees, permittees, successors, and assigns, and shall not include any acts and/or omissions of the other party, its agents, contractors, licensees, permittees, successors or assigns. Grantee shall reasonably maintain the subject property in order to prevent unnecessary deterioration of the surface and to keep the property in an ☐nlettered condition.


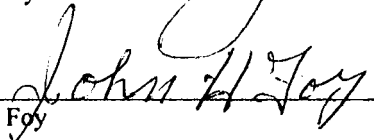
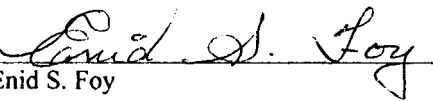
**TO HAVE AND TO HOLD** the above described rights and easements, together with all rights necessary to operate and maintain the facilities over the right-of-way hereby granted unto the said Grantee, its successors and assigns, until such time as the right-of-way and easement is abandoned under the terms stipulated herein. The Grantee may assign the rights and easements herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding up Grantor, Grantor's heirs, legal representatives and successors in title. Upon abandonment, at the request of the Grantor, Grantee shall execute and deliver to Grantor a document in recordable form evidencing said abandonment. Also, upon abandonment, at the request of the Grantor, Grantee shall restore the surface used under the terms of this Agreement to as near its original condition as is possible.


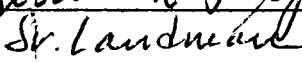
The making, execution and delivery of this document by Grantor has been induced by no representations, statements, warranties, or other agreements other than those herein expressed. This agreement embodies the entire understanding of the parties, and this instrument may be amended or modified only by subsequent written agreement of the parties.

Grantee shall maintain all roads used pursuant to this Agreement and shall install culverts where necessary to insure adequate drainage from all roads. Grantee shall also install cattle guards where the roads go through fences, if any.

This agreement shall inure to the benefit of the parties hereto, their heirs, successors, and assigns and shall be a burden running with the land.

**IN WITNESS WHEREOF,** the parties have executed this Surface Damage and Right-of-Way Settlement Agreement effective as of the 20th day of February, 2004.

**GRANTOR:**  
  
\_\_\_\_\_  
Leo B. Foy  
  
\_\_\_\_\_  
John H. Foy  
  
\_\_\_\_\_  
Enid S. Foy

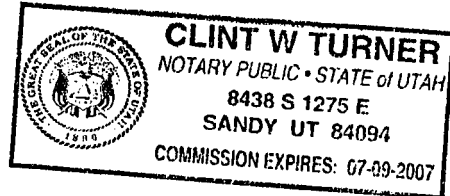
**GRANTEE:**  
**BERRY PETROLEUM COMPANY**  
By:   
Its: 

STATE OF UTAH )  
 )  
COUNTY OF DUCHESNE )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 13<sup>th</sup> day of February, 2004, personally appeared Leo B. Foy to me known to be the identical person(s) described in and who executed the within and foregoing instrument of writing and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Clint W. Turner  
Notary Public



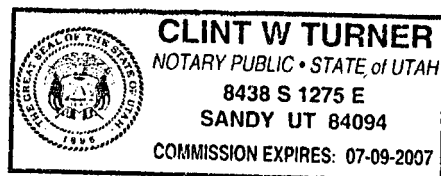
My Commission Expires: 7-9-07

STATE OF UTAH )  
 )  
COUNTY OF DUCHESNE )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 13<sup>th</sup> day of February, 2004, personally appeared John H. Foy to me known to be the identical person(s) described in and who executed the within and foregoing instrument of writing and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Clint W. Turner  
Notary Public



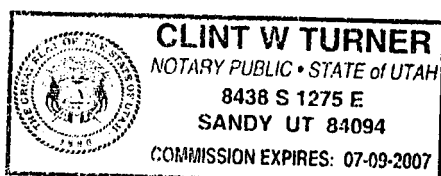
My Commission Expires: 7-9-07

STATE OF UTAH )  
 )  
COUNTY OF WASATCH )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 16<sup>th</sup> day of February, 2004, personally appeared Enid S. Foy to me known to be the identical person(s) described in and who executed the within and foregoing instrument of writing and acknowledged to me that she duly executed the same as her free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Clint W. Turner  
Notary Public

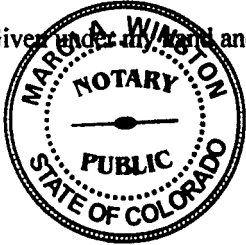


My Commission Expires: 7-9-07

STATE OF COLORADO )  
 )  
COUNTY OF DENVER )

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Kenneth F. Appis, whose name as Sr. Landman of Berry Petroleum Company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 6<sup>th</sup> day of March, 2004.



Marci A. Winston  
Notary Public

My Commission Expires

My Commission Expires: 9/11/07

EXHIBIT "A"

Attached to and made a part of that certain Surface Damage and Right-of-Way Settlement Agreement effective February 20, 2004, by and between Leo B. Foy, John H. Foy and Enid S. Foy, as Grantor, and Berry Petroleum Company, as Grantee.

Township 5 South, Range 5 West, USM, Duchesne County, UT



## EXHIBIT "B"

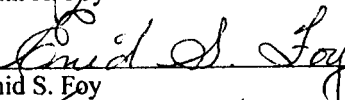
Attached to and made a part of that certain Surface Damage and Right-of-Way Settlement Agreement effective the 20th day of February, 2004, by and between Leo B. Foy, John H. Foy, and Enid S. Foy, as Grantor, and Berry Petroleum Company, as Grantee.

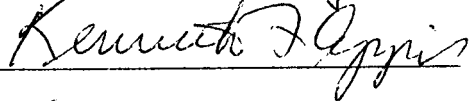
1. A road and pipeline right-of-way thirty feet (30') wide by approximately 4,265.54 feet long (2.938 acres) crossing the NE1/4SE1/4, SW1/4SE1/4 of Section 33, Township 5 South, Range 5 West, USM, and the SW1/4NW1/4 of Section 34, Township 5 South, Range 5 West, USM, Duchesne County, Utah.
2. A road and pipeline right-of-way thirty feet (30') wide by approximately 2,297.22 feet long (1.582 acres) crossing the E1/2SW1/4 of Section 34, Township 5 South, Range 5 West, USM, Duchesne County, Utah

### SIGNED FOR IDENTIFICATION

  
\_\_\_\_\_  
Leo B. Foy

  
\_\_\_\_\_  
John H. Foy

  
\_\_\_\_\_  
Enid S. Foy

  
\_\_\_\_\_  
Kenneth F. Appis

**B BERRY PETROLEUM COMPANY p.,  
Federal #2-3-65 and Federal #10-3-65 wells:  
A Cultural Resource Inventory for two well pads,  
their access and pipeline,  
Duchesne County, Utah**

By  
James A. Truesdale

James A. Truesdale  
Principle Investigator

Prepared For  
Barrett Resources Corporation  
30 West 425 South (330-5)  
Roosevelt, Utah  
84066

Prepared By  
AN INDEPENDENT ARCHAEOLOGIST  
P.O.Box 153  
Laramie, Wyoming  
82073

Utah Project # U-01-AY-0060(f)

June 10, 2001

## Introduction

An Independent Archaeologist (AIA) was contacted by a representative of Barrett Resources Corporation, to conduct a cultural resources investigation of the proposed Federal #2-3-65 and Federal #10-3-65 wells, their access and pipeline.

The Federal #2-3-65 well (Alt #1; 750 FNL, 2050 FEL) is located in the NW/NE 1/4 of Section 3, T6S, R5W, Duchesne County, Utah (Figure 1). From the Sowers Canyon road and the private Foy ranch gate (Figure 2), the proposed access and pipeline parallel each other and trend up Wire Fence Canyon south 4500 feet (1371.9 m) to the USFS and Ute Tribal boundary, and then continue an additional 500 feet (162.4 m) to the proposed well pad. A total of 12.29 acres is on USFS land, while 20.6 acres are on Uintah-Ouray Ute tribal lands.

The Federal #10-3-65 well (Alt #1; 2041 FSL, 2076 FEL) is located in the NW/SE 1/4 of Section 3, T6S, R5W, Duchesne County, Utah (Figure 1). From the Federal #2-3-65 well, the proposed access and pipeline parallel each other and trend up Wire Fence Canyon south 2200 feet (670.7 m) to the proposed well pad. A total of 20.10 acres is on USFS land.

A total of 32.39 acres was surveyed on USFS land. Fieldwork was authorized through a U.S. Department of Agriculture, Forest Service, Special Use Permit (DCN900801). A total of 20.6 acres was surveyed on Uintah-Ouray Ute tribal lands. Fieldwork was authorized through an access permit issued by the Energy and Minerals Resource Division of the Uintah-Ouray Ute tribe.

The field work was conducted on June 1 and 2, 2001 by AIA archaeologist James Truesdale. All the field notes and maps are located in the AIA office in Laramie, Wyoming.

## File Search

A file search was conducted at the Office by the Utah State Historical Society, Antiquities Section, Records Division on March 21, 2001. A second file search was conducted at the USFS Ashley National Forest office, Vernal office on May 30, 2001. No projects and/or cultural resources have been previously recorded in or adjacent to the project area.

## Environment

Physiographically, the project is located in the Uinta Basin, approximately 25 miles southwest of Myton, Utah. The Uinta Basin is structurally the lowest part of the Colorado Plateau geographical province (Thornbury 1965:425). The terrain is characterized as having steep ridges and/or buttes of Uintah Formation sandstones and clays dissected by seasonal drainages and washes with wide flat alluvial plains. Portions of the desert



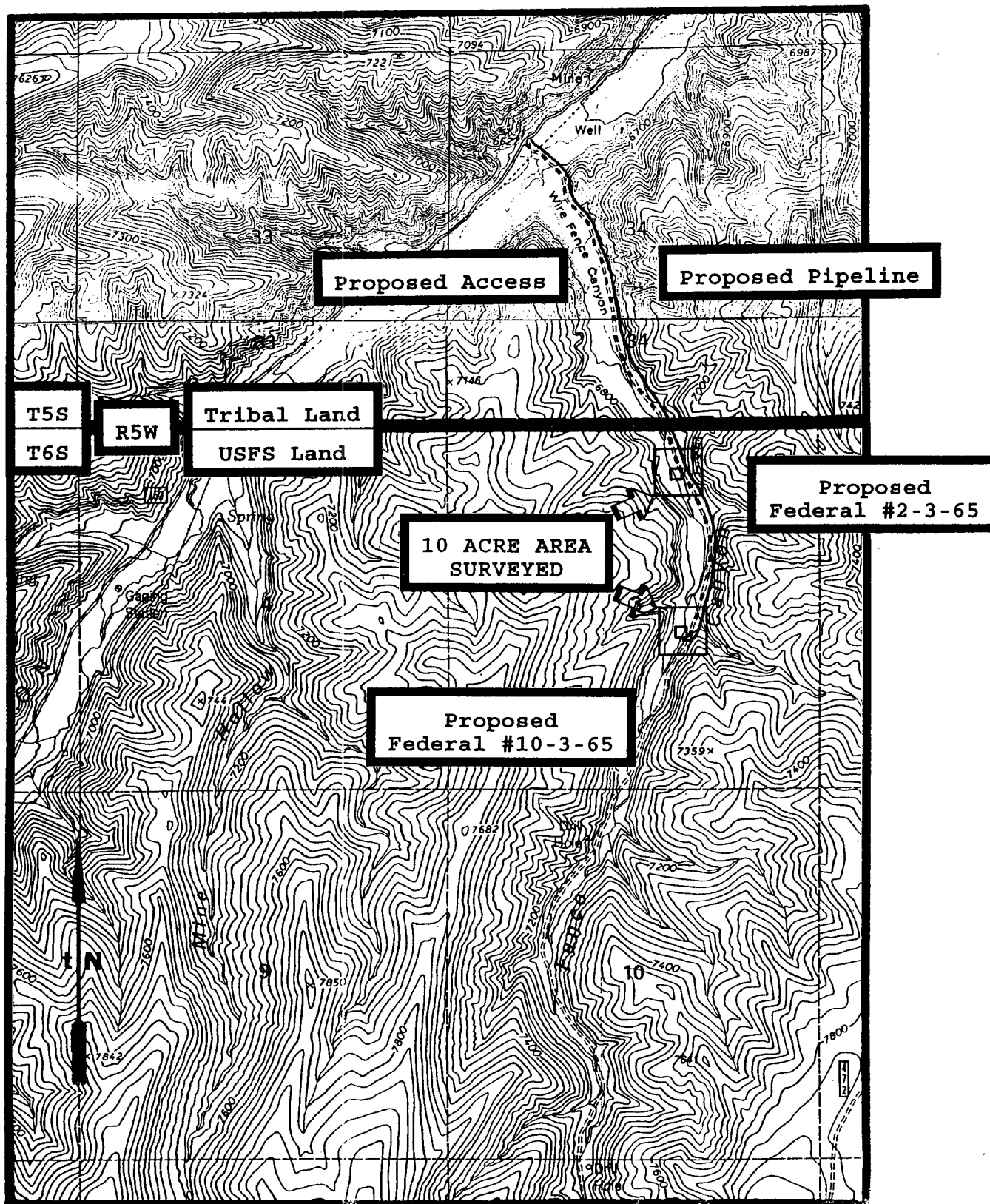


Figure 1. Location of Barrett Resources Corp. proposed Federal #2-3-65 and Federal #10-3-65 well(s), their access and pipeline on USGS 7.5' quadrangle maps Anthro Mountain (1996) and Duchesne SW (1964).

hardpan and bedrock in the Sowers and Brundage Canyon area are covered with aeolian sand which may reach a depth of over 1 to 2 meters in areas. The project area is in Wire Fence Canyon (Figure 2) which is the nearest permanent drainage. This drainage trends south 1 1/2 miles to Sowers Canyon which trends east 10 miles to Antelope Creek and then 10 miles north to Bridgeland, Utah and the Duchesne River.

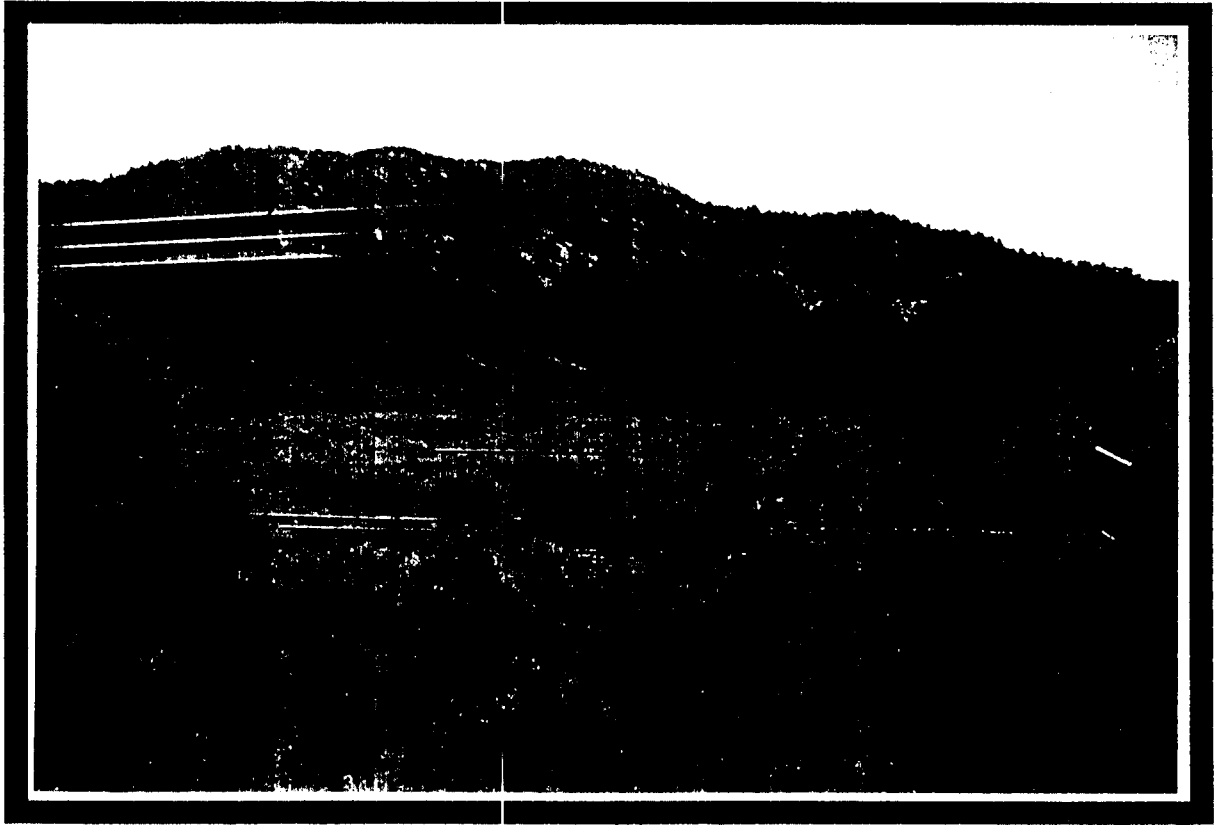


Figure 2. View south, up Wire Fence Canyon, from the Foy ranch.

Vegetation in the project area is characteristic of a Pinon/Juniper community. Species observed in the project area include; Pinyon pine (Pinus Edulis), juniper (Juniperus Osteosperma), shadscale (Atriplex confertifolia), sand sage, (Artemesia filifolia), saltbush (Atriplex nuttallii), rabbitbrush (Chrysothamnus viscidiflorus), winterfat (Eurotia lanata), greasewood (Sarcobatus baileyi), Indian ricegrass (Oryzopsis hymenoides), desert needlegrass (Stipa speciosa), wild buckwheat, (Eriogonum ovalifolium), desert globemallow (Bromus tectorum), peppergrass (Lepidium perfoliatum), Russian thistle (Salsola kali), and prickly pear cactus (Opuntia spp.).

Federal #2-3-65

The immediate proposed Barrett Resources Corp. Federal #2-3-65 well is situated in the bottom of Wire Fence Canyon. The proposed

well pad is situated on the east side of Wire Fence Canyon drainage in a tall sagebrush and greasewood flat. The proposed access and pipeline originates at the Sowers Canyon road at the Foy private gate (Figure 2). The proposed access and pipeline parallel each other and follow a existing two track road, up the bottom of Wire Fence Canyon, 4500 feet (1371.9 m) to the USGS and Ute Tribal boundary. The access and pipeline then continue and additional 500 feet (162.4 m), along the two track road, to the proposed well pad. Vegetation on the well location is consists of tall sagebrush and greasewood, rabbit brush, and bunchgrasses. Pinyon/juniper with a understory of low sagebrush and bunchgrasses dominate the surrounding Wire Fence Canyon ridges. Sediments on the proposed well location consist of a mixture of alluvial, fluvial and colluvial deposits. Eroding slopes and cut banks indicate that sediments are silty sand mixed with angular pieces of Uinta formation sandstone, clays and shales that may reach a depth of over 2 meters. The proposed well location is located at an elevation of 6790 feet (2070.1 m) AMSL.

#### Federal #10-3-65

The immediate proposed Barrett Resources Corp. Federal #10-3-65 well is situated in the bottom of Wire Fence Canyon. The proposed well pad is situated on the east side of Wire Fence Canyon drainage in a tall sagebrush and greasewood flat. The proposed access and pipeline originates at the Barrett Re. Corp. Federal #10-3-65 well. The proposed access and pipeline parallel each other and follow a existing two track road, up the bottom of Wire Fence Canyon, 2200 feet (670.7 m) to the proposed well pad. Vegetation on the well location is consists of tall sagebrush and greasewood, rabbit brush, and bunchgrasses. Pinyon/juniper with a understory of low sagebrush and bunchgrasses dominate the surrounding Wire Fence Canyon ridges. Sediments on the proposed well location consist of a mixture of alluvial, fluvial and colluvial deposits. Eroding slopes and cut banks indicate that sediments are silty sand mixed with angular pieces of Uinta formation sandstone, clays and shales that may reach a depth of over 2 meters. The proposed well location is located at an elevation of 6820 feet (2079.2 m) AMSL.

#### Field Methods

A total of 10 acres was surveyed around the centerstake of the proposed well locations to allow for relocation of the pad if necessary. The survey was accomplished by walking transects spaced no more than 15 and 20 meters apart. The proposed Fed. #2-3-65 well access and pipeline parallel each other. Each corridor is 5000 feet (1524.3 m) long and 100 feet (30.4 m) wide, 11.295 acres. The proposed Fed. #10-3-65 well access and pipeline parallel each other. Each corridor is 2200 feet (670.7 m) long and 100 feet (30.4 m) wide, 5.05 acres. A total of 32.69 linear acres was surveyed. Areas of subsurface exposure (ant hills, blowouts, eroding slopes and cutbanks) were examined with special care in order to help assess the potential for buried cultural deposits.

## Results

A total of 52.69 acres were surveyed for cultural resources within and around the proposed Barrett Resources Corp. Federal #2-3-65 and Federal #10-3-65 well location(s), their access and pipeline. Along the proposed access and pipeline, on the private Foy ranch, is a modern trash. In addition to farm equipment (plow, disc, dragline bucket, 55 gal. barrels, wire), is a 1970 white Cadillac SeVille (Figures 3 and 4) No prehistoric and/or historic cultural materials were located during these archaeological investigations.



Figure 3. Foy's 1970 white Cadillac Coup DeVille.



Figure 4. Foys 1970 white Cadillac Coup DeVille.

#### Recommendations

A total of 52.69 acres were surveyed for cultural resources within and around the proposed Barrett Resources Corp. Federal #2-3-65 and Federal #10-3-65 well location(s), their access and pipeline. No cultural materials were recorded during the survey. Thus no further archaeological work is necessary and clearance for construction of the proposed Barrett Resources Corp. Federal #2-3-65 and Federal #10-3-65 well location(s), their access and pipeline is recommended.

#### References Cited

Thornbury, William D.

1965 Regional Geomorphology of the United States. John Wiley & Sons, Inc. New York.



**BARRETT**

BERRY PETROLEUM COMPANY

**CORPORATION**

**FEDERAL #10-3-65**

LOCATED IN DUCHESNE COUNTY, UTAH  
SECTION 3, T6S, R5W, U.S.B.&M.

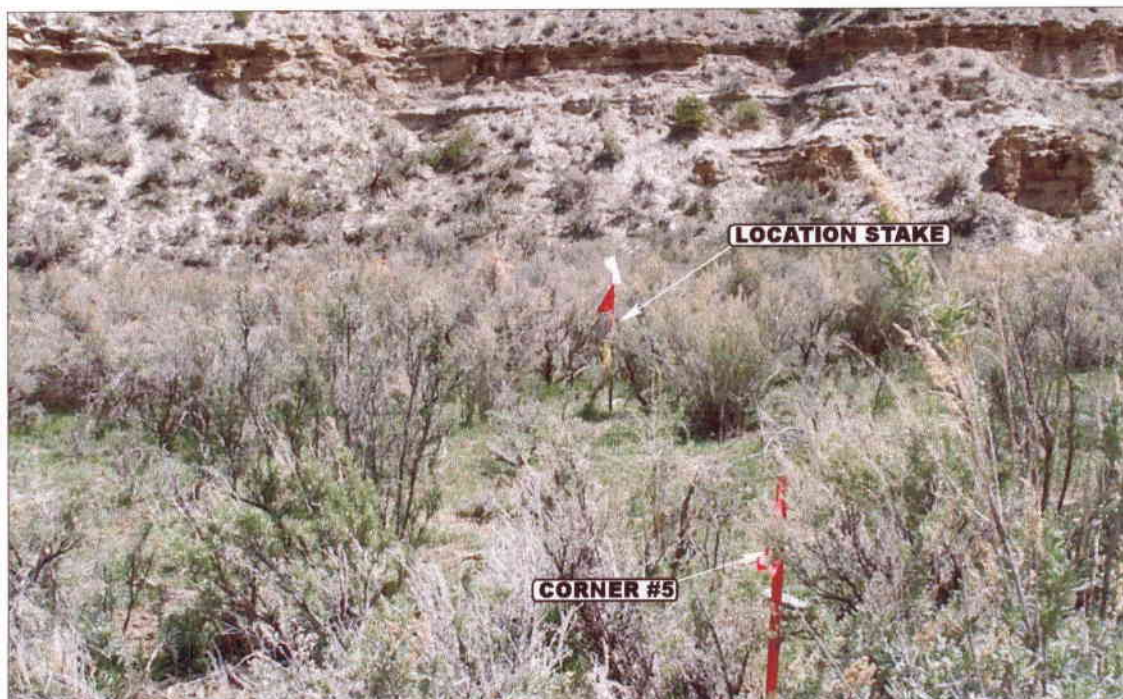


PHOTO: VIEW FROM CORNER #5 TO LOCATION STAKE

CAMERA ANGLE: SOUTHEASTERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHWESTERLY



- Since 1964 -

**UELS** Uintah Engineering & Land Surveying  
85 South 200 East Vernal, Utah 84078  
435-789-1017 uels@uelsinc.com

LOCATION PHOTOS

6 6 01  
MONTH DAY YEAR

PHOTO

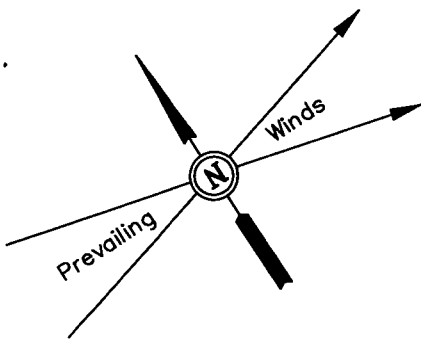
TAKEN BY: D.K.

DRAWN BY: P.M.

REVISED: 00-00-00

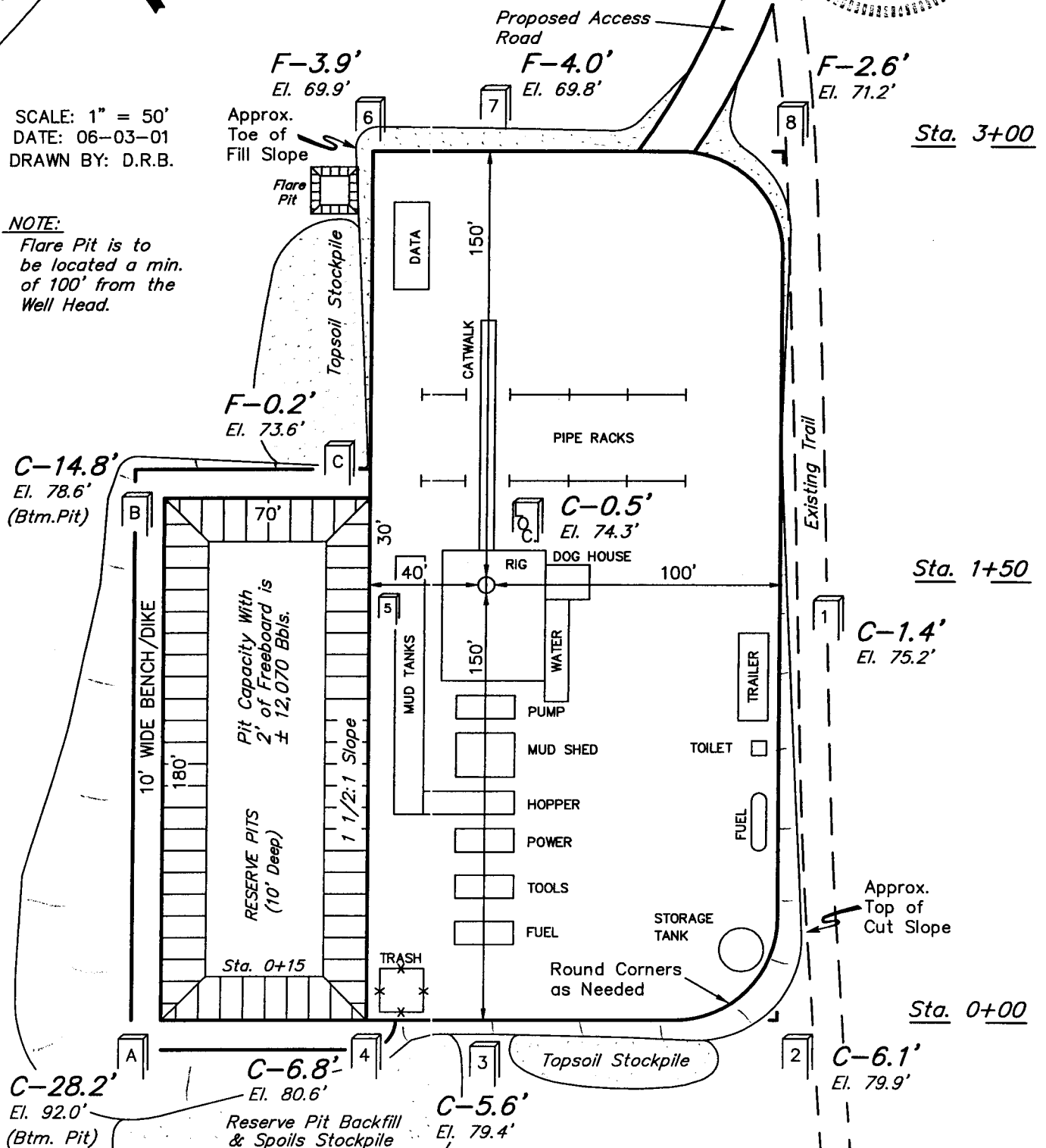
# BERRY PETROLEUM COMPANY LOCATION LAYOUT FOR

FEDERAL #10-3-65  
SECTION 3, T6S, R5W, U.S.B.&M.  
2053' FSL 2076' FEL



SCALE: 1" = 50'  
DATE: 06-03-01  
DRAWN BY: D.R.B.

**NOTE:**  
Flare Pit is to be located a min. of 100' from the Well Head.



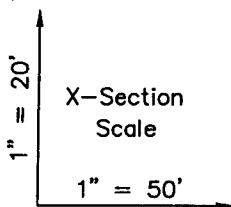
Elev. Ungraded Ground at Location Stake = 6874.3'  
Elev. Graded Ground at Location Stake = 6873.8'

**UINTAH ENGINEERING & LAND SURVEYING**  
85 So. 200 East \* Vernal, Utah 84078 \* (801) 789-1017

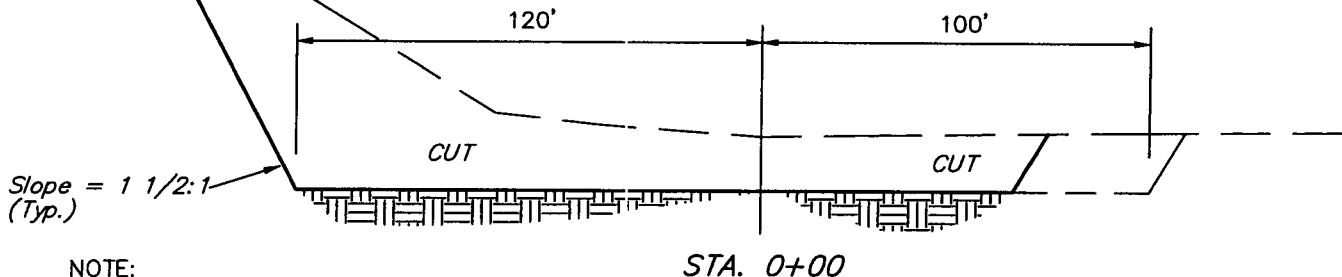
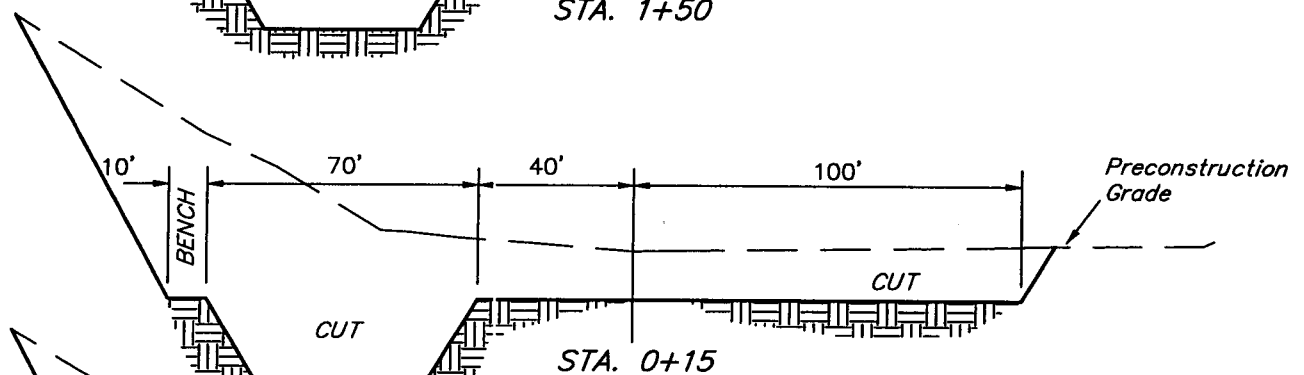
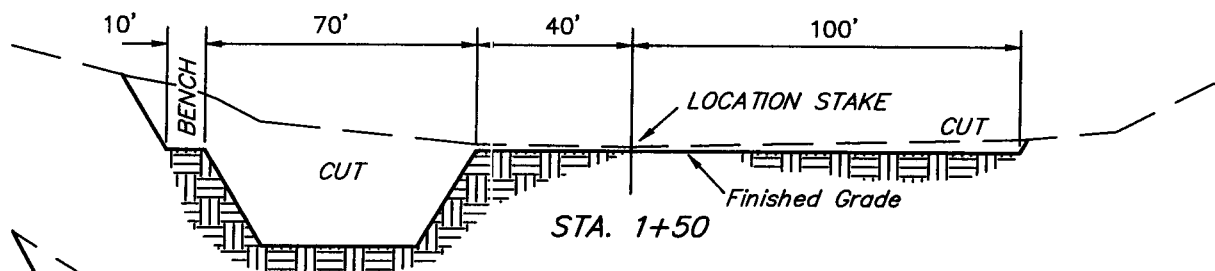
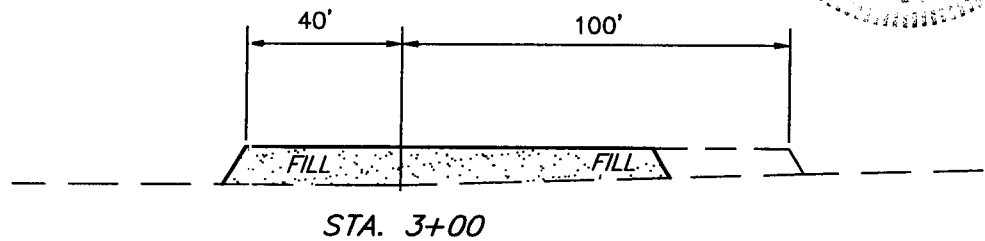
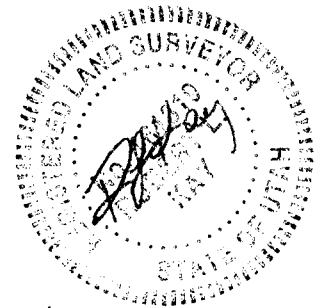
# BARRY BERRY PETROLEUM COMPANY TION

## TYPICAL CROSS SECTIONS FOR

FEDERAL #10-3-65  
SECTION 3, T6S, R5W, U.S.B.&M.  
2053' FSL 2076' FEL



DATE: 06-03-01  
DRAWN BY: D.R.B.



### NOTE:

Topsoil should not be  
Stripped Below Finished  
Grade on Substructure Area.

### APPROXIMATE YARDAGES

CUT	
(6") Topsoil Stripping	= 1,080 Cu. Yds.
Remaining Location	= 10,500 Cu. Yds.
TOTAL CUT	= 11,580 CU.YDS.
FILL	= 1,540 CU.YDS.

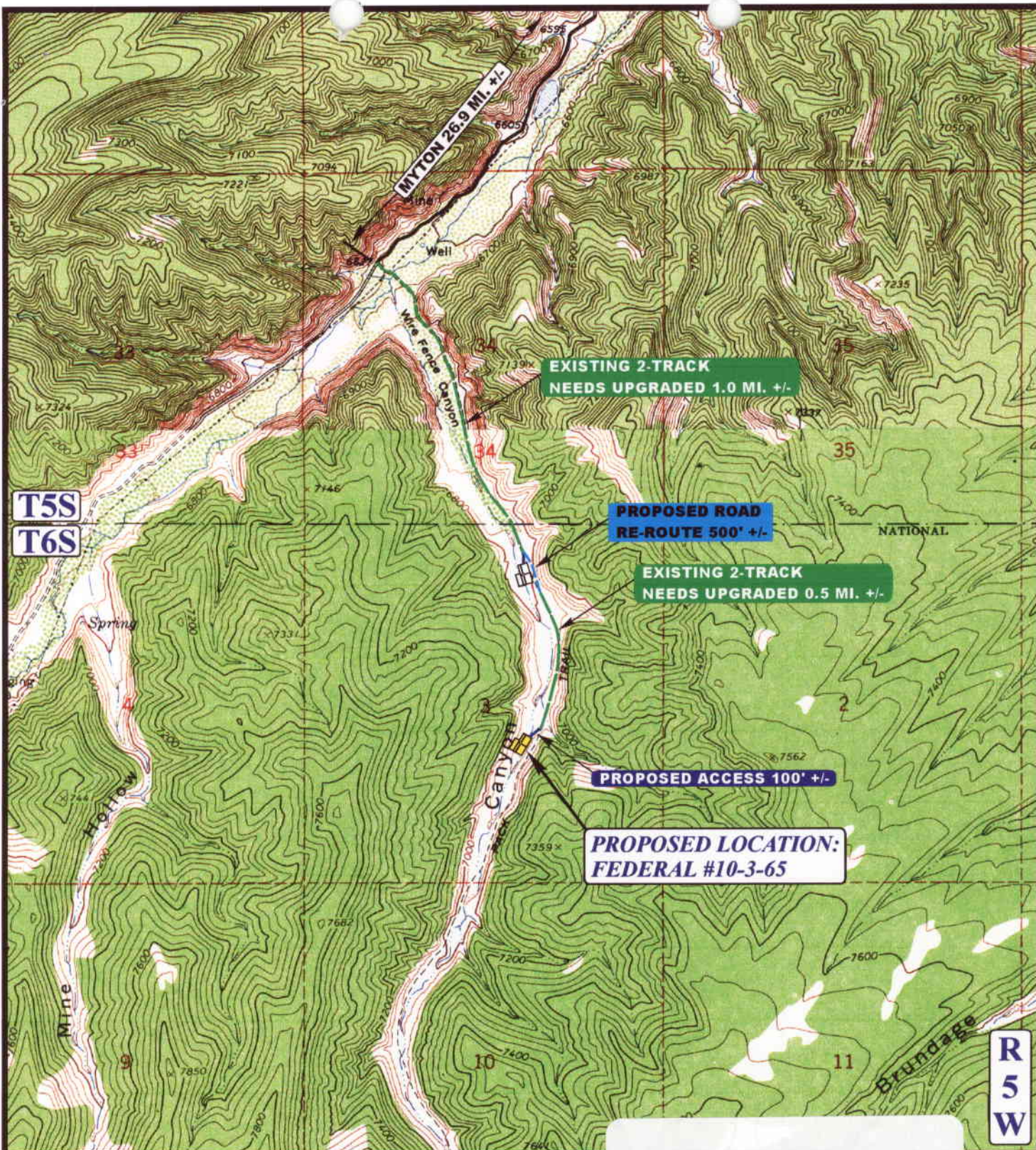
EXCESS MATERIAL AFTER 5% COMPACTION	= 9,960 Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	= 2,770 Cu. Yds.
EXCESS UNBALANCE (After Rehabilitation)	= 7,190 Cu. Yds.

UINTAH ENGINEERING & LAND SURVEYING  
85 So. 200 East \* Vernal, Utah 84078 \* (801) 789-1017



**A**  
**TOPO**





# **LEGEND:**

- PROPOSED ACCESS ROAD
- EXISTING ROAD
- EXISTING 2-TRACK NEEDS UPGRADED
- PROPOSED ROAD RE-ROUTE



**Uintah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813



**BAR BERRY PETROLEUM COMPANY TION**

**FEDERAL #10-3-65**  
**SECTION 3, T6S, R5W, U.S.B.&M.**  
**2053' FSL 2076' FEL**

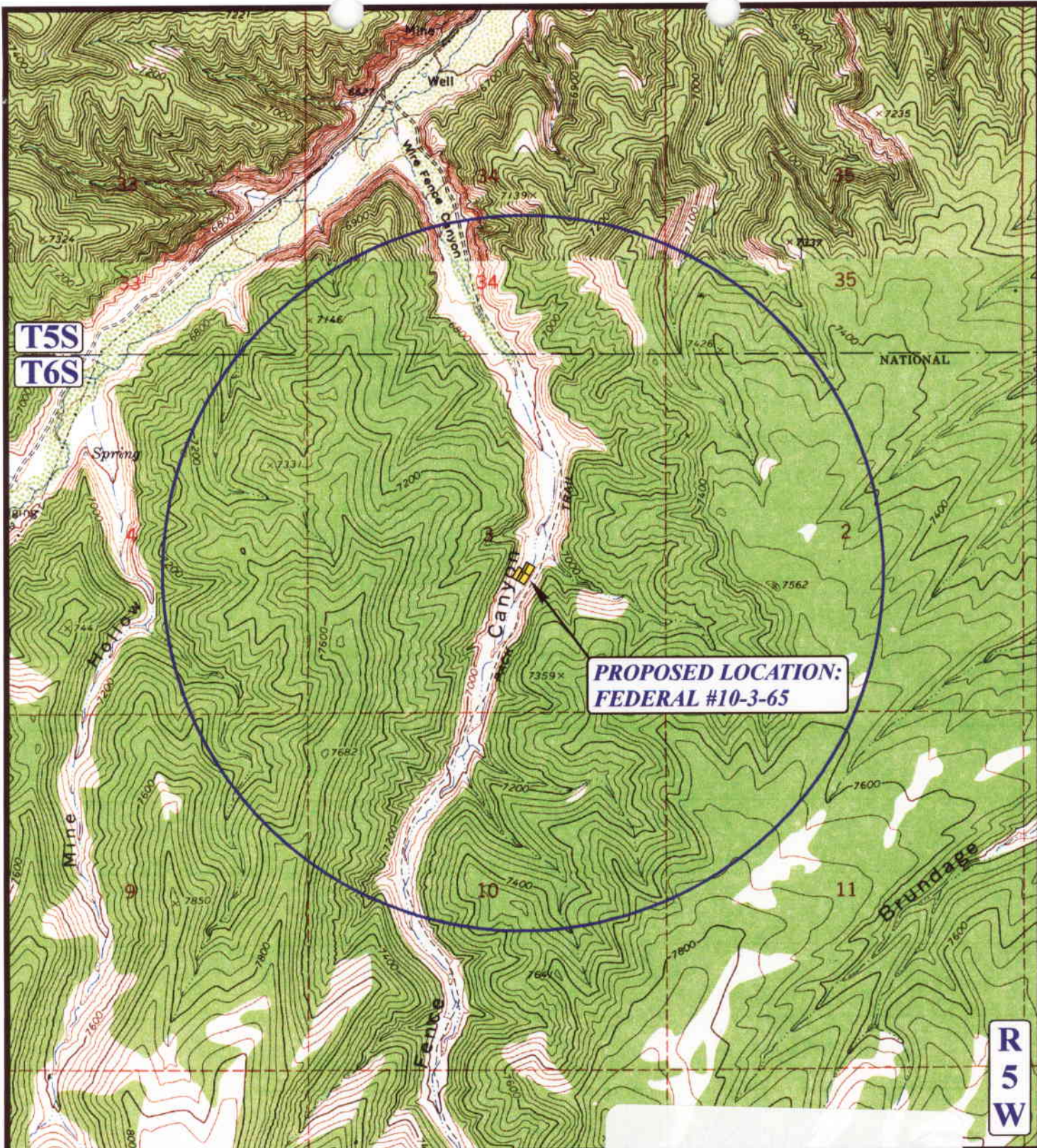
**TOPOGRAPHIC**  
**MAP**

**6** **6** **01**  
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00

**B**  
**TOPO**





# LEGEND:

- DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- WATER WELLS
- ABANDONED WELLS
- TEMPORARILY ABANDONED



**Uintah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813



BERRY PETROLEUM COMPANY  
 BARNETT RESERVE TION

**FEDERAL #10-3-65**  
**SECTION 3, T6S, R5W, U.S.B.&M.**  
**2053' FSL 2076' FEL**

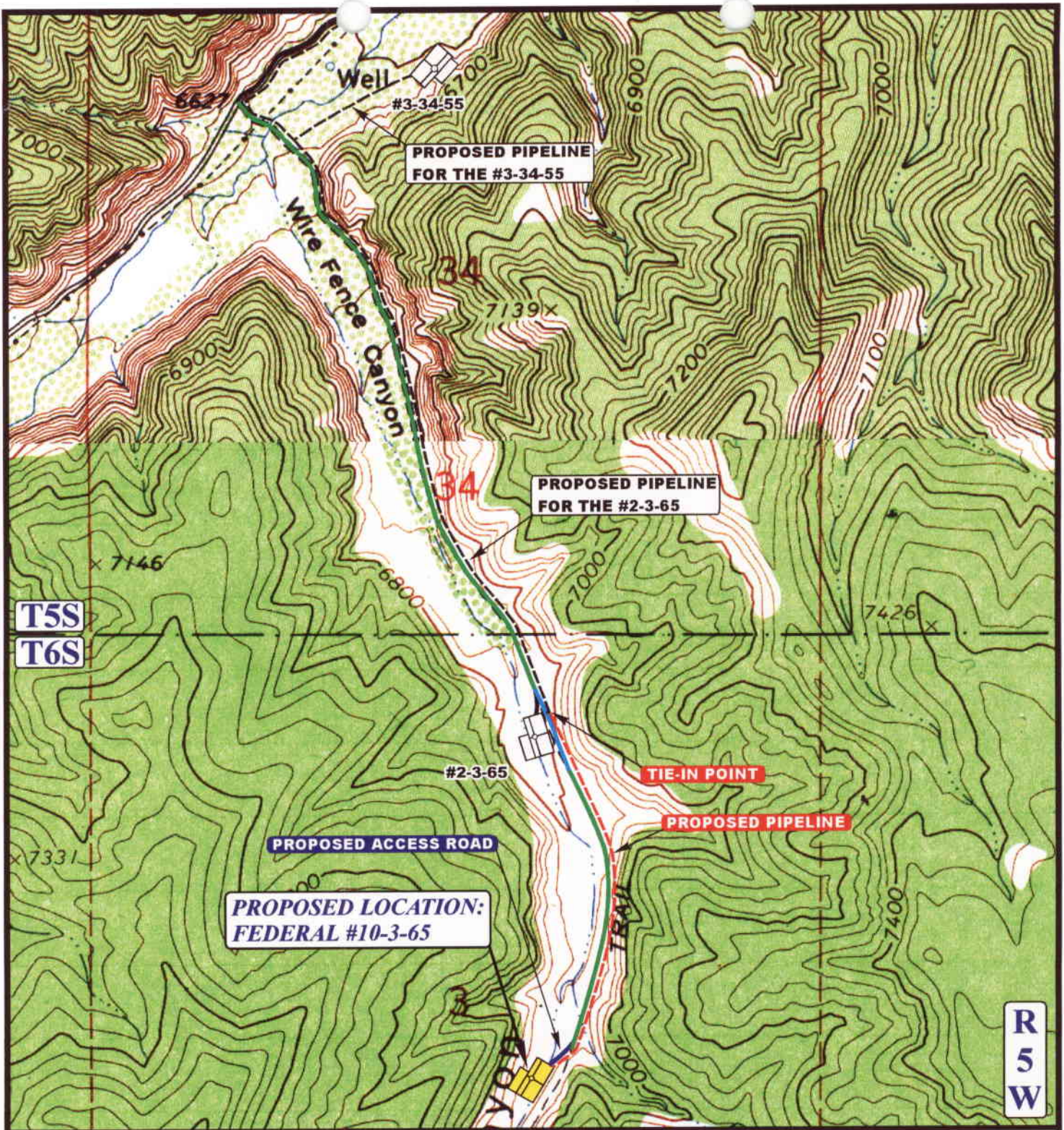
**TOPOGRAPHIC**  
**MAP**

**6** MONTH  
**6** DAY  
**01** YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00







**APPROXIMATE TOTAL PIPELINE DISTANCE = 3100' +/-**

**LEGEND:**

- EXISTING PIPELINE
- - - PROPOSED PIPELINE
- PROPOSED ACCESS

N

BAR BERRY PETROLEUM COMPANY

**FEDERAL #10-3-65**  
**SECTION 3, T6S, R5W, U.S.B.&M.**  
**2053' FSL 2076' FEL**



**Uintah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC**  
**MAP**

**6** **6** **01**  
 MONTH DAY YEAR

SCALE: 1" = 1000' DRAWN BY: P.M. REVISED: 00-00-00

**D**  
**TOPO**



BERRY PETROLEUM COMPANY  
**CORRIDOR RIGHT-OF-WAY  
ON FEE LANDS**  
(For FEDERAL #10-3-65)  
LOCATED IN  
SECTION 34, T5S, R5W, U.S.B.&M.  
DUCHESNE COUNTY, UTAH

**CORRIDOR RIGHT-OF-WAY  
DESCRIPTION ON FEE LANDS**

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

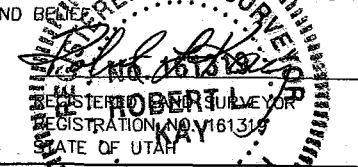
BEGINNING AT A POINT SE 1/4 NW 1/4 OF SECTION 34, T5S, R5W, U.S.B.&M. WHICH BEARS S40°31'49"E 2339.78' FROM THE NORTHWEST CORNER OF SAID SECTION 34, THENCE S03°17'11"E 42.62'; THENCE S07°58'54"E 53.96'; THENCE S13°07'06"E 120.01'; THENCE S14°18'49"E 48.14'; THENCE S26°08'43"E 52.67'; THENCE S33°53'20"E 57.39'; THENCE S38°33'09"E 158.56'; THENCE S39°40'04"E 56.72'; THENCE S43°21'30"E 100.59'; THENCE S45°23'31"E 153.23'; THENCE S39°40'05"E 36.46'; THENCE S27°37'37"E 61.98'; THENCE S18°00'37"E 246.40'; THENCE S23°08'05"E 45.80'; THENCE S26°36'29"E 93.54'; THENCE S19°07'54"E 68.29'; THENCE S13°15'34"E 234.52'; THENCE S15°13'06"E 130.39'; THENCE S08°11'56"E 130.37'; THENCE S10°23'03"E 632.89'; THENCE S11°23'06"E 74.70'; THENCE S17°47'17"E 118.82'; THENCE S27°01'59"E 126.80'; THENCE S22°12'52"E 226.01'; THENCE S24°44'26"E 58.38'; THENCE S31°37'20"E 45.98' TO A POINT ON THE EAST LINE OF THE SE 1/4 SW 1/4 OF SECTION 34, WHICH BEARS N00°15'08"E 526.11' FROM THE SOUTH 1/4 CORNER OF SAID SECTION 34. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 2.187 ACRES MORE OR LESS.

**RIGHT-OF-WAY LENGTHS**

PROPERTY OWNER	FEET	ACRES	RODS
W.C. FOY SONS	3175.22'	2.187	192.44
UTE TRIBAL	672.24'	0.463	40.74

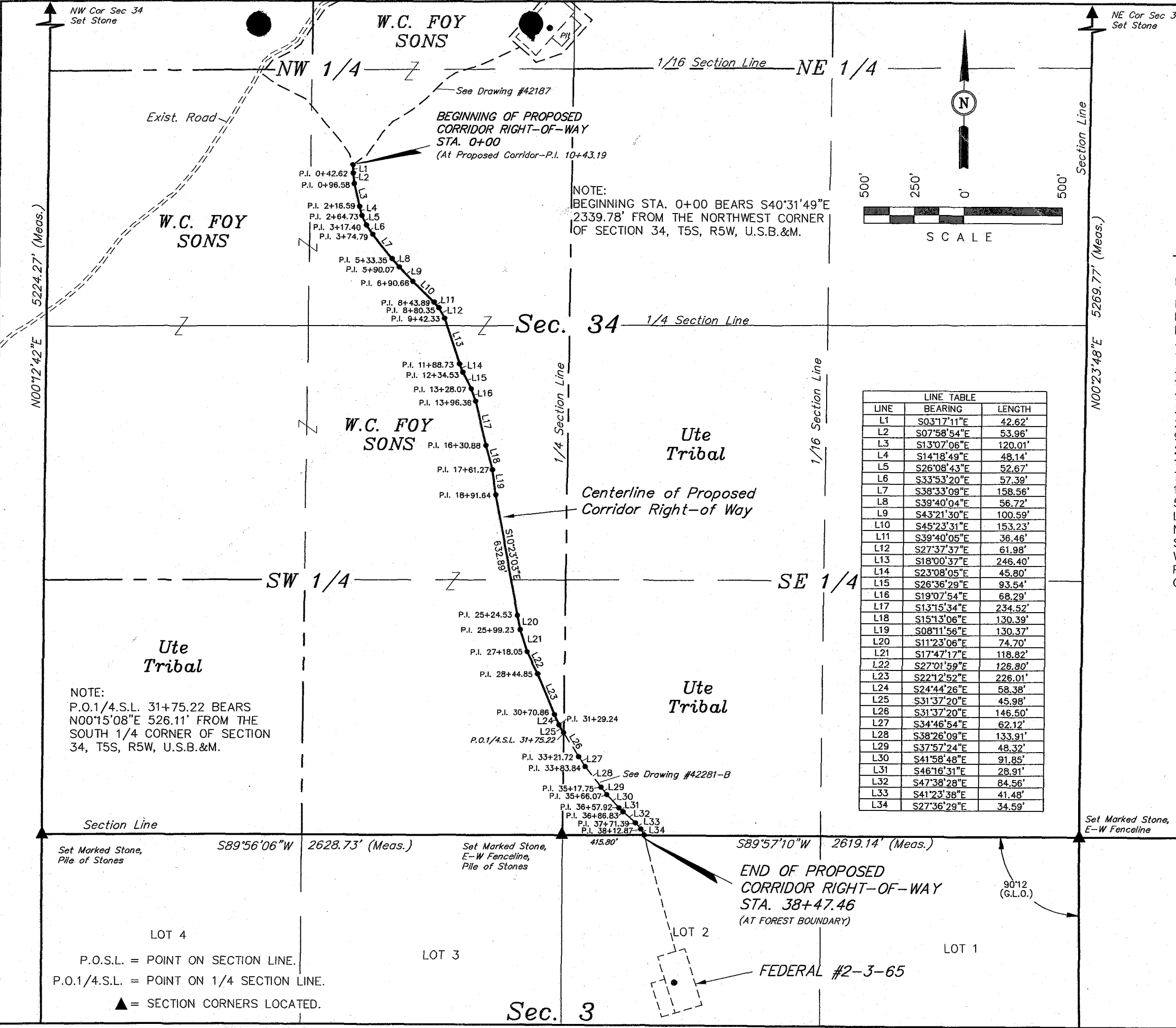
**CERTIFICATE**

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Revised: 02-04-04 D.R.B.  
**UINTAH ENGINEERING & LAND SURVEYING**  
85 SOUTH - 200 EAST • (435) 789-1017  
VERNAL, UTAH - 84078

SCALE 1" = 500'	DATE 06-03-01
PARTY D.K. R.W. D.R.B.	REFERENCES G.L.O. PLAT
WEATHER HOT	FILE 4 2 2 8 1 - A



LINE	BEARING	LENGTH
L1	S03°17'11"E	42.62'
L2	S07°58'54"E	53.96'
L3	S13°07'06"E	120.01'
L4	S14°18'49"E	48.14'
L5	S26°08'43"E	52.67'
L6	S33°53'20"E	57.39'
L7	S38°33'09"E	158.56'
L8	S39°40'04"E	56.72'
L9	S43°21'30"E	100.59'
L10	S45°23'31"E	153.23'
L11	S39°40'05"E	36.46'
L12	S27°37'37"E	61.98'
L13	S18°00'37"E	246.40'
L14	S23°08'05"E	45.80'
L15	S26°36'29"E	93.54'
L16	S19°07'54"E	68.29'
L17	S13°15'34"E	234.52'
L18	S15°13'06"E	130.39'
L19	S08°11'56"E	130.37'
L20	S11°23'06"E	74.70'
L21	S17°47'17"E	118.82'
L22	S27°01'59"E	126.80'
L23	S22°12'52"E	226.01'
L24	S24°44'26"E	58.38'
L25	S31°37'20"E	45.98'
L26	S31°37'20"E	146.50'
L27	S34°46'54"E	62.12'
L28	S38°26'09"E	133.91'
L29	S37°57'24"E	48.32'
L30	S41°58'48"E	91.85'
L31	S46°16'31"E	28.91'
L32	S47°38'28"E	84.56'
L33	S41°23'38"E	41.48'
L34	S27°36'29"E	34.59'

NOTE:  
P.O.1/4.S.L. 31+75.22 BEARS  
N00°15'08"E 526.11' FROM THE  
SOUTH 1/4 CORNER OF SECTION  
34, T5S, R5W, U.S.B.&M.

NOTE:  
BEGINNING STA. 0+00 BEARS S40°31'49"E  
2339.78' FROM THE NORTHWEST CORNER  
OF SECTION 34, T5S, R5W, U.S.B.&M.

END OF PROPOSED  
CORRIDOR RIGHT-OF-WAY  
STA. 38+47.46  
(AT FOREST BOUNDARY)

LOT 4  
P.O.S.L. = POINT ON SECTION LINE.  
P.O.1/4.S.L. = POINT ON 1/4 SECTION LINE.  
▲ = SECTION CORNERS LOCATED.

LOT 3

LOT 2

LOT 1

Sec. 3

FEDERAL #2-3-65

003

WORKSHEET  
APPLICATION FOR PERMIT TO DRILL

APD RECEIVED: 03/22/2004

API NO. ASSIGNED: 43-013-32559

WELL NAME: FEDERAL 10-3-65

OPERATOR: BERRY PETROLEUM COMPANY ( N2480 )

CONTACT: DEBBIE WISENER

PHONE NUMBER: 435-722-1325

## PROPOSED LOCATION:

NWSE 03 060S 050W

SURFACE: 2053 FSL 2076 FEL

BOTTOM: 2053 FSL 2076 FEL

DUCHESNE

WILDCAT ( 1 )

LEASE TYPE: 1 - Federal

LEASE NUMBER: UTU-77326

SURFACE OWNER: 1 - Federal

PROPOSED FORMATION: GRRV

COALBED METHANE WELL? NO

INSPECT LOCATN BY: / /

Tech Review	Initials	Date
Engineering		
Geology		
Surface		

LATITUDE: 39.98722

LONGITUDE: 110.43119

## RECEIVED AND/OR REVIEWED:

- ☒ Plat
- ☒ Bond: Fed[1] Ind[] Sta[] Fee[]  
(No. RLB0005651 )
- ☒ Potash (Y/N)
- ☒ Oil Shale 190-5 (B) or 190-3 or 190-13
- ☒ Water Permit  
(No. 43-11041 )
- ☒ RDCC Review (Y/N)  
(Date: )
- ☒ Fee Surf Agreement (Y/N)

## LOCATION AND SITING:

R649-2-3.

Unit

☒ R649-3-2. General  
Siting: 460 From Qtr/Qtr & 920' Between Wells

R649-3-3. Exception

Drilling Unit

Board Cause No:

Eff Date:

Siting:

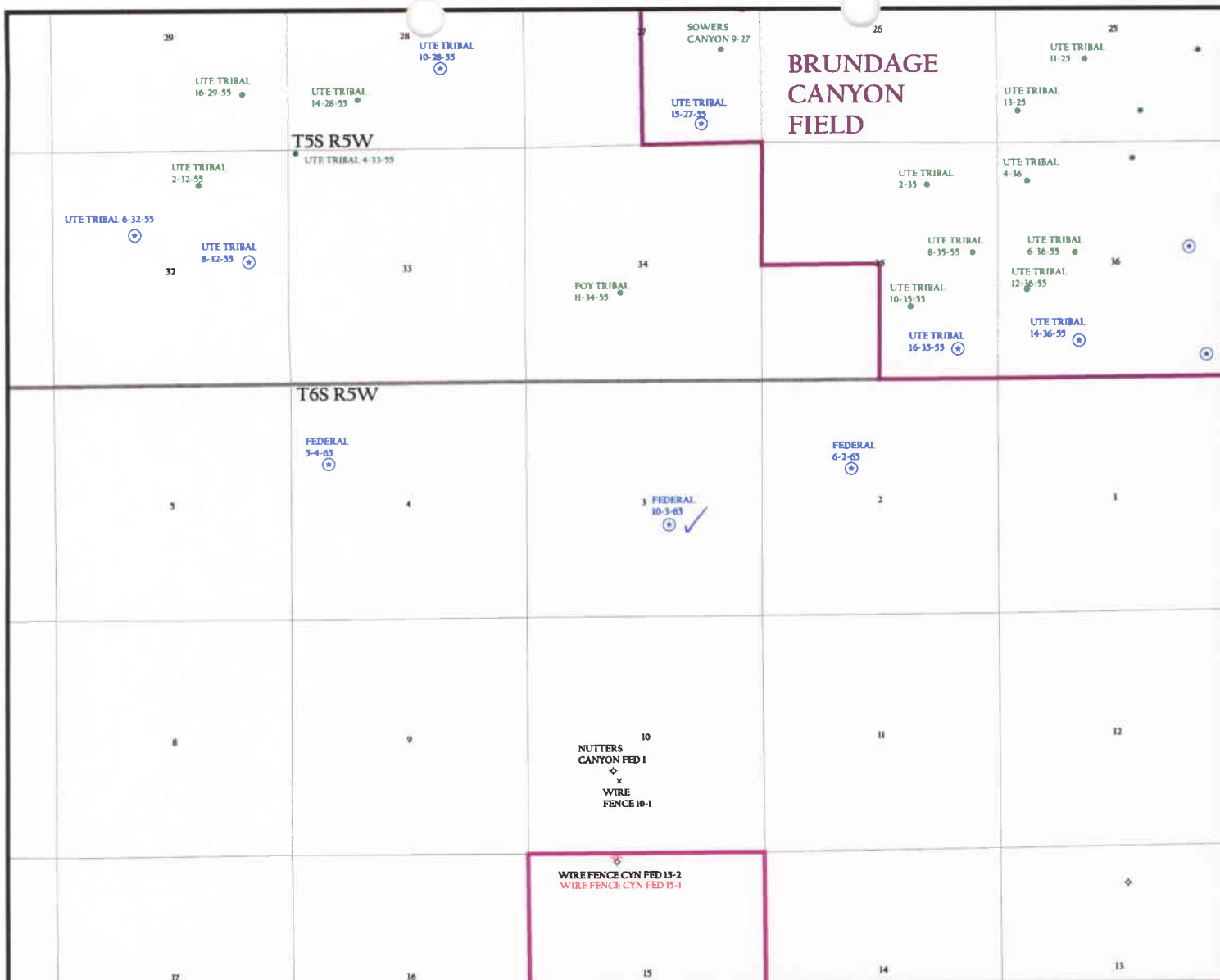
R649-3-11. Directional Drill

## COMMENTS:

## STIPULATIONS:

1- Federal Approval

2- Spacing Strip



## BRUNDAGE CANYON FIELD

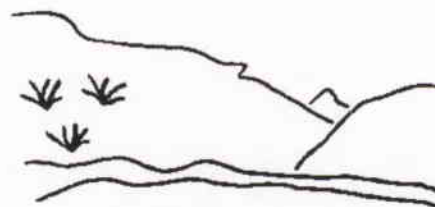
OPERATOR: BERRY PETRO CO (N2460)

SEC. 3 T.6S, R.5W

FIELD: WILDCAT (001)

COUNTY: DUCHESNE

SPACING: R649-3-2 / GENERAL SITING



Utah Oil Gas and Mining

### Well Status

- ✂ GAS INJECTION
- ⊕ GAS STORAGE
- × LOCATION ABANDONED
- ⊕ NEW LOCATION
- ✂ PLUGGED & ABANDONED
- ⊕ PRODUCING GAS
- ⊕ PRODUCING OIL
- ⊕ SHUT-IN GAS
- ⊕ SHUT-IN OIL
- ✂ TEMP. ABANDONED
- TEST WELL
- ⊕ WATER INJECTION
- ⊕ WATER SUPPLY
- ⊕ WATER DISPOSAL

### Unit Status

- EXPLORATORY
- GAS STORAGE
- NF PP OIL
- NF SECONDARY
- PENDING
- PI OIL
- PP GAS
- PP GEOTHERML
- PP OIL
- SECONDARY
- TERMINATED

### Field Status

- ABANDONED
- ACTIVE
- COMBINED
- INACTIVE
- PROPOSED
- STORAGE
- TERMINATED



PREPARED BY: DIANA WHITNEY  
DATE: 23-MARCH-2004



State of Utah

Department of  
Natural Resources

Division of  
Oil, Gas & Mining

ROBERT L. MORGAN  
*Executive Director*

LOWELL P. BRAXTON  
*Division Director*

March 23, 2004

Berry Petroleum Company  
Rt. 3, Box 3020  
Roosevelt, UT 84066

Re: Federal 10-3-65 Well, 2053' FSL, 2076' FEL, NW SE, Sec. 3, T. 6 South,  
R. 5 West, Duchesne County, Utah

Gentlemen:

Pursuant to the provisions and requirements of Utah Code Ann. § 40-6-1 *et seq.*, Utah Administrative Code R649-3-1 *et seq.*, and the attached Conditions of Approval, approval to drill the referenced well is granted.

This approval shall expire one year from the above date unless substantial and continuous operation is underway, or a request for extension is made prior to the expiration date. The API identification number assigned to this well is 43-013-32559.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Baza".

John R. Baza  
Associate Director

pab  
Enclosures

cc: Duchesne County Assessor  
Bureau of Land Management, Vernal District Office



Operator: Berry Petroleum Company  
Well Name & Number Federal 10-3-65  
API Number: 43-013-32559  
Lease: USA UTU-77326

Location: NW SE                      Sec. 3                      T. 6 South                      R. 5 West

### Conditions of Approval

1. General

Compliance with the requirements of Utah Admin. R. 649-1 *et seq.*, the Oil and Gas Conservation General Rules, and the applicable terms and provisions of the approved Application for permit to drill.

2. Notification Requirements

Notify the Division within 24 hours of spudding the well.

- Contact Carol Daniels at (801) 538-5284.

Notify the Division prior to commencing operations to plug and abandon the well.

- Contact Dan Jarvis at (801) 538-5338

3. Reporting Requirements

All required reports, forms and submittals will be promptly filed with the Division, including but not limited to the Entity Action Form (Form 6), Report of Water Encountered During Drilling (Form 7), Weekly Progress Reports for drilling and completion operations, and Sundry Notices and Reports on Wells requesting approval of change of plans or other operational actions.

4. State approval of this well does not supersede the required federal approval, which must be obtained prior to drilling.

5. This proposed well is located in an area for which drilling units (well spacing patterns) have not been established through an order of the Board of Oil, Gas and Mining (the "Board"). In order to avoid the possibility of waste or injury to correlative rights, the operator is requested, once the well has been drilled, completed, and has produced, to analyze geological and engineering data generated therefrom, as well as any similar data from surrounding areas if available. As soon as is practicable after completion of its analysis, and if the analysis suggests an area larger than the quarter-quarter section upon which the well is located is being drained, the operator is requested to seek an appropriate order from the Board establishing drilling and spacing units in conformance with such analysis by filing a Request for Agency Action with the Board.

STATE OF UTAH  
DIVISION OF OIL, GAS, AND MINING

## SUNDRY NOTICES AND REPORTS ON WELLS

005

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells.  
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

5. Lease Designation and Serial Number: <b>0</b> <u>UtU-77326</u>
6. If Indian, Allottee or Tribe Name: <b>0</b>
7. Unit Agreement Name:
8. Well Name and Number: <b>FEDERAL 10-3-65</b>
9. API Well Number: <b>43-013-32559</b>
10. Field and Pool, or Wildcat: <b>BRUNDAGE CANYON</b>

1. Type of Well: OIL <input checked="" type="checkbox"/> GAS <input type="checkbox"/> OTHER: _____		
2. Name of Operator: <b>BERRY PETROLEUM COMPANY</b>		
3. Address and Telephone Number: <b>1614 SOUTH 2000 WEST, RT. 3 BOX 3020 ROOSEVELT, UTAH 84066 (435) 722-1325</b>		
4. Location of Well: Footages: <b>2053' FSL, 2076' FEL</b> County: <b>DUCHESNE,</b> QQ, Sec., T., R., M.: <b>NWSE SEC. 3, T6S, R5W USB&amp;M</b> State: <b>UTAH</b>		

### 11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT (Submit in Duplicate)	SUBSEQUENT REPORT (Submit Original Form Only)
<input type="checkbox"/> Abandon <input type="checkbox"/> Repair Casing <input type="checkbox"/> Change of Plans <input type="checkbox"/> Convert to Injection <input type="checkbox"/> Fracture Treat or Acidize <input type="checkbox"/> Multiple Completion <input checked="" type="checkbox"/> Other <u>ONE YEAR EXTENSION</u>	<input type="checkbox"/> New Construction <input type="checkbox"/> Pull or Alter Casing <input type="checkbox"/> Recomplete <input type="checkbox"/> Reperforate <input type="checkbox"/> Vent or Flare <input type="checkbox"/> Water Shut-Off <input type="checkbox"/> Other _____
Approximate date work will start _____	Date of work completion _____  Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.  * Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

**BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION  
TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.**

STATE BOND #RLB0005651

Approved by the  
Utah Division of  
Oil, Gas and Mining

Date: 04-13-09By: [Signature]

COPY SENT TO OPERATOR  
DATE: 4-15-09  
BY: CHD

13

Name & Signature: DEBBIE L. WISENER Title: PRODUCTION & REGULATORY TECHNICIAN Date: 04/12/05

(This space for Federal or State office use)

**Application for Permit to Drill  
Request for Permit Extension  
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

**API:** 43-013-32559  
**Well Name:**  
**Location:**  
**Company Permit Issued to:**  
**Date Original Permit Issued:**

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes ☐ No ☒

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes ☐ No ☒

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes ☐ No ☒

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes ☐ No ☒

Has the approved source of water for drilling changed? Yes ☐ No ☒

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes ☐ No ☒

Is bonding still in place, which covers this proposed well? Yes ☒ No ☐

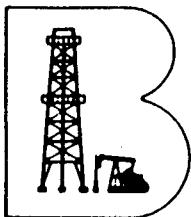
  
Signature

4/12/2005

Date

Title: Production & Regulatory Tech.

Representing: Berry Petroleum Company



# Berry Petroleum Company

**Brundage Canyon Field**

1614 South 2000 West  
Rt. 3 Box 3020  
Roosevelt, UT 84066

Ph. (435) 722-1325

Fax: (435) 722-1321

www.bry.com

April 12, 2005

State Of Utah  
Division of Oil, Gas & Mining  
1594 W. North Temple,  
Suite 1210 Box 145801  
Salt Lake City, Utah 84114-5801

Re: APD one (1) year extension

Attached please find one (1) original & one (1) copy for a one (1) year Extension for the *Application for Permit to Drill* on the following locations:

Ute Tribal 6-32-55

Ute Tribal 8-32-55

Federal 10-3-65

Federal 5-4-65

Thank you,

  
Debbie L. Wisener  
Production & Regulatory Technician

cc: Well File  
Drilling File  
Denver

RECEIVED

APR 13 2005

DIV. OF OIL, GAS & MINING



**State of Utah**

**Department of  
Natural Resources**

MICHAEL R. STYLER  
*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

July 27, 2006

Debbie Wisener  
Berry Petroleum Company  
RT. 2 BOX 7735  
Roosevelt, UT 84066

Re: APD Rescinded --Federal 10-3-65 Sec. 3, T. 6S R. 5W  
Duchesne County, Utah API No. 43-013-32559


Dear Ms. Wisener:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on March 23, 2004. On April 13, 2005, the Division granted a one-year APD extension. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective July 27, 2006.

A new APD must be filed with this office for approval prior to the commencement of any future work on the subject location.

If any previously unreported operations have been performed on this well location, it is imperative that you notify the Division immediately.

Sincerely,

  
Diana Whitney  
Engineering Technician

cc: Well File  
Bureau of Land Management, Vernal